Solon of Athens

NEW HISTORICAL AND PHILOLOGICAL APPROACHES

EDITED BY

JOSINE H. BLOK & ANDRÉ P.M.H. LARDINOIS

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SOLON OF ATHENS

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For
Wessel Krul
and
Cécile Lardinois-Cuppens

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The publisher Brill deserves credit for its willingness to publish this and other collections of essays in a market that appears to be increasingly wary of such endeavors. We believe this volume to demonstrate the continued value of such collections, in which scholars from diverse disciplines develop new perspectives on current debates. It is precisely the coming together of different voices and opinions that has for centuries been the hallmark of academic debate. Finally we would like to thank our spouses, Wessel Krul en Cécile Lardinois-Cuppens, who had to share us with Solon for so long. This book is dedicated to them.

NOTE ON ABBREVIATIONS, TEXTS AND TRANSLATIONS

Names of ancient authors and titles of texts are abbreviated in accordance with the list in *The Oxford Classical Dictionary*, 3rd ed. (1996) xxix–liv. Unless otherwise specified, Greek and Latin authors are quoted from the Oxford Classical Texts, but the early Greek lyric poets are cited from D.A. Campbell, *Greek Lyric*, vols. 1–5 (Cambridge MA, 1982–1993), the early Greek iambic and elegiac poets, including Solon, from M.L. West, *Iambi et elegi Graeci*, 2nd ed. (Oxford 1989–1992), and both the text of the *Athênaiôn Politeia* and Plutarch's treatises, including his *Life of Solon*, from the Teubner editions. The laws of Solon are quoted according to the collection of E. Ruschenbusch, Σόλωνος νόμοι (Wiesbaden 1966), and the testimonia according to the edition of A. Martina, *Solon: testimonia veterum* (Rome 1968). In the bibliographies, which follow the individual contributions, titles of journals are either written out or abbreviated according to the list provided in *L'Année Philologique: Bibliographie critique en analytique de l'antiquité Gréco-Latine*, Vol. 76 (2005) xxi–L. All Greek and Latin have been translated, and the translations are the authors' own, unless noted otherwise.

INTRODUCTION

Josine H. Blok and André P.M.H. Lardinois

There was a time, not so long ago, when Solon was considered to be a fairly transparent historical figure.[1] Here was a politician who composed poetry that is partly preserved, whose laws the Attic orators could see and quote, and whose deeds were extensively analyzed and recorded by no less a scholar than Aristotle in his *Politics* and in the *Athênaiôn Politeia*. There are few, if any, other figures from the archaic period for whom we possess such elaborate sources. Still, in the last two decades new views have emerged about the reliability of these sources and the ways in which they should be interpreted. Critical questions are being asked about the authenticity and contents of Solon's poetry and laws, and about the historical circumstances in which this famous figure should be situated. These questions result from theoretical changes in the field of Classics, notably the effects of oral poetics on the interpretation of archaic Greek poetry, new developments in the evaluation of the structure and function of archaic Greek laws, the impact of archaeological survey analysis on the assessment of structural agricultural and demographic changes in Attica, and recent views on the spatial and conceptual development of the archaic Greek *polis* in general and of the social and political situation in archaic Athens in particular.

When we, the editors of the present volume, realized that such fundamental questions were simultaneously being asked in different corners of the field, we decided it was time to bring social and legal historians, philologists and archaeologists together to debate what is known, and not known, about Solon and to look at this sixth century law-giver, poet and politician from a variety of perspectives. The first meeting was at a conference, which was held at the study center of the Radboud

[1] Compare, for example, the confidence expressed in the biographical details of Solon's poems in A. Andrewes' contribution to the *Cambridge Ancient History* (1982^2), vol. 3, pt. 3, 360–391, or B.M.W. Knox's contribution about Solon in the *Cambridge History of Classical Literature* (1989), vol. 1, pt. 1, 105–112. Andrewes observes that 'we know him [= Solon] personally as we can never, for instance, know Cleisthenes' (375). We would like to thank the contributors to the volume who have offered suggestions and critical comments about this introduction.

University of Nijmegen, Soeterbeeck, in the Netherlands in December 2003. It was followed by this volume, which comprises seventeen papers of this conference with one added contribution by Elizabeth Irwin. Some of the papers have retained their original size, others have been (greatly) enlarged and expanded. Neither the conference nor this book has produced consensus. Instead, we offer a set of discussions and a series of new approaches, often in conflict with one another, on all major aspects of Solon's life and work. The contributors to the volume were encouraged to engage with each other's papers as much as possible, which has resulted in a fertile exchange with opposing points of view largely in the footnotes but sometimes also in the main text.

The volume is organized around the core topics concerning the figure of Solon. They consist of the poems of Solon, the laws of Solon, and the historical conditions of his lifetime, respectively. The first two categories are defined by those groups of texts of which Solon himself was claimed to have been the author. The third theme is based on our general understanding of archaic Athens: the material evidence of agriculture, settlement and distribution of wealth, and the interpretations of sixth-century Athenian politics offered by Aristotle, the author of the *Athênaiôn Politeia*, and Plutarch. Since contemporary written sources on Athens, beside the poetry and laws attributed to Solon, are almost entirely lacking,[2] these three prose texts, dating to the fourth century BC and second century AD respectively, are our most extensive written sources on Solon's historical background.

As primary sources on Solon's political career, the poems and the laws have long been the subject of philological and historical scrutiny. If the authenticity and date of the laws traditionally ascribed to Solon have repeatedly been a matter of dispute, until recently Solon's poems elicited far more confidence. Although this set of texts too has come down to us in a rather fragmented state, at least it seemed to constitute a corpus with Solon as its recognized author. The poems give voice to the points of view of an individual in the first person singular, and these viewpoints can be brought to bear on the political conditions which propelled Solon's political actions. The condition of permanent

[2] As far as public documents are concerned, the earliest extant epigraphical evidence from Attica are the decree about Salamis, c. 510–500 BC (*IG* I^3, 1) and the dedication after the victory over the Boeotians and Chalcidians in 506 (*IG* I^3, 501). Private inscriptions abound, the first one dating probably to the late seventh century BC (*IG* I^3, 589).

conflict and aggression among the elite, and between the elite and the lower classes in Attica around the turn of the sixth century was set forth by the author of the *Athênaiôn Politeia*, creating the backdrop for the protagonist of the Solonian poems. Indeed, not a few of the poetic fragments are quoted in this treatise (*Ath. Pol.* 5, 12) in order to clarify the motives and aims of Solon's policies, and modern biographies of Solon have by and large followed suit. Here there *appears* to be a clear fit between the man, the texts, and the historical background. The poems, therefore, are the appropriate starting point of this volume.

In recent years, our understanding of archaic Greek poetry has undergone a radical change, since scholars have started to situate this poetry in the context of oral composition, oral performance and oral transmission. The theories on oral poetics, which started with the Homeric epics but have gradually been extended over the whole field of early Greek poetry, have far-reaching implications for the roles assigned to the audience, for the culturally defined requirements of genre and performance, and for the authorship of the texts involved. In all contributions to the section on Solon's poetry, the oral delivery of the poems is taken for granted, but the points of view on what exactly the oral quality of Solon's poems may imply, and hence the conclusions about the meaning of the poems and their author(s), differ substantially.

On the one hand, Lardinois and Stehle see a fundamental difference between the persona created in the first person singular voice of these poems and the historical figure of Solon. Even if at some point the "real" Solon may have created and performed poetry of a similar kind, this is not necessarily the same poetry as has come down to us under his name. Lardinois points out that the extant Solonian corpus bears all the marks of an oral tradition ascribed to a single authoritative poet, in a way comparable to Homer and epic. An important comparandum for the poems attributed to Solon is the poetry ascribed to Theognis, which equally shows the features of regularity and variation typical of orally composed poetry. In fact, the *Theognidea* and the Solonian poems share a significant number of lines, whose variations can best be explained by assuming an oral tradition behind both sets of poetry. The poems of Solon known in the fourth century BC, when the present corpus seems to have been more or less consolidated, need not all be composed by the historical Solon and, if so, they probably underwent significant transformations over time.

Irwin and Stehle both draw attention to the isolated position of the I-person speaking in the poems, but while Irwin believes that Solon

himself is primarily responsible for introducing this persona in his poetry, Stehle maintains that it is largely the product of a fourth-century poet and compiler. Irwin argues that Solon creates a distance between himself and the elite circle to which he belongs by using language that is reminiscent of tyrannical discourse and deviates from the traditional genre of elegy, associated with the symposion. She finds that these subtle manipulations and transgressions of traditional elegy by the "I" speaking in the poems, is a political persona created to ensure a specific effect in his audience. Stehle draws more radical conclusions from the same observations. She perceives three personae in later depictions of Solon in the poems: the wise man and lawgiver found in Herodotus, the prominent citizen belonging to the group of elite symposiasts found in Plato, and the isolated critic found in fourth-century texts dealing with democracy. Solon's political poetry is attached only to these. If Lardinois still regards the poetry of Solon in some, albeit loose, way as connected to the historical Solon or sixth century elegies and iambics, Stehle emphasizes the coherence and intertextuality of the political poems, as well as the critical distance of the speaker, who does not engage other Athenians. She connects these qualities with the third persona and proposes that the political poems as a collection and the persona they create belong to the fourth century debates over democracy.

Blaise and Noussia, on the other hand, like Irwin, regard the poems as composed for the larger part by the historical Solon, who used the qualities and means of the oral genres available to him to profess his views and convince his audience. Noussia analyses step by step the rhetorical strategies employed by Solon in his poetry to induce his audience to accept his words and policy. Solon used a set of tools prefiguring the systematic investigation and application of rhetorical techniques of the later fifth and fourth centuries. Noussia's analysis does not necessarily require the historical Solon to be the speaker in these poems, but no doubt it enhances her reading of the poems. This applies even more strongly to Blaise's reading of the 'Eunomia' elegy (fr. 4). Blaise demonstrates how the text of this poem creates the impression of a desirable political condition, labeled *eunomia*, which the reluctant Athenian citizens need to adopt if they want to leave the troubled state of their present affairs behind them. In so doing, the speaker changes traditional abstract notions of *dikê* and *eunomia* into areas subject to human reason, action, and responsibility. The authoritative voice of the poem illuminates the speaker as a wise man

and lawgiver, who is perhaps alone in his understanding of the situation but above all exhorts the audience to see the necessity of adopting *eunomia*. Responding to the views of Lardinois and Stehle, Blaise argues in favor of a strong connection between the ideas expressed in the poem and the views of the historical Solon.

Many of the contributors to this section draw attention to the use of verbal techniques in Solon's political verses to create authority and to persuade the audience. Martin advances comparable material from the Kuna people of Panama to make the ways in which this was done more tangible. In the poetry of Solon, just as in that of the Kuna chiefs, metaphor is the device by which words are turned into politics. Particularly interesting cases are the lines where the speaker compares himself to a large shield or alludes to his removal of *horoi* from the Attic land. In Martin's view, in both phrases a political intervention is implied by the ingenious use of metaphor. At all events, the extant poems do not refer to any specific laws Solon was said to have created according to tradition. Rather, they portray the views and intentions of a man who would have issued a series of measures in order to redirect the course of events in a conflict-ridden *polis*.

Some set of laws known as "Solon's" existed in the fourth century, but many of the laws cited as such were not by the historical Solon at all. Hence Solon's authorship, which has only recently been questioned with regard to the poems, has been a topic of longstanding debate in the case of the laws. Unlike the poems, which possibly circulated for some time in oral versions, the laws are believed to have been written down right from the start. Their texts were inscribed on *axones* or *kyrbeis*—two terms which either refer to two sets of law texts or may be alternatives words for the same set. These laws included regulations affecting the political organization of Athens and many other aspects of Athenian society, ranging from exports of olive oil to the dowry of *epiklêroi* (heiresses). The laws of Athens, however, including Solon's *axones*, had been subject to revision at the turn of the fifth century, so that references to the laws of Solon in later authors have to be treated with caution.

The edition of a corpus of Solonian laws by Eberhard Ruschenbusch has served as the point of reference since its publication in 1966 and will do so in this volume, albeit with some misgivings and proposals for a substantial revision. Scafuro explains the principles Ruschenbusch used to distinguish various degrees of authenticity in the Solonian laws and the concomitant strengths and weaknesses of his collection. She argues

for the definition of a third category between authentic and inauthentic laws, namely laws with a Solonian kernel, which are quoted in the suspect context of fourth century oratory but can be shown by clearly defined criteria to have originated in the sixth century. As examples of such laws with a Solonian kernel, she adduces the remedies for *kakôsis* mentioned by Aristotle at *Athênaiôn Politeia* 56.6 and the *archôn*'s law on caring for orphans, *epiklêroi*, and others quoted in [Demosthenes] 43.

Scafuro's criteria are applied by Blok to sketch the kernel of the Athenian funerary laws ascribed to Solon. Situating these regulations in the wider context of epigraphical, archaeological and iconographical evidence, she argues that these funerary laws were not intended to curb ostentatious display at funerals by the elite, as is currently the accepted view on these laws, but instead were meant to distinguish the world of the dead from that of the living. Restrictions on mourning had to do with limiting death pollution, and restrictions on spending wealth were evidently concerned with gifts to the dead. The Solonian funerary laws thus fit a wider pattern of legal interference with the space and interests granted to the living and the dead members of the community in archaic Greece. An important outcome of this interpretation and approach is that several laws, attributed to Solon in the fourth century, at least in outline may be restored to the corpus of sixth-century laws.

Against the radical skepticism of those critics who doubt nearly every instance of fourth-century reference to Solon and his policies, Rhodes defends the existence of a collection of Solon's laws that could be used and quoted by orators and scholars at the time. A detailed judgment on the relation of each law to possible conditions in the sixth century, however, needs to be made. Focusing on the most famous political regulations of Solon, he argues that Solon did not define all four property classes, but only the highest class of the *pentakosiomedimnoi* ('Five-hundred-bushel men'). The remaining classes already existed and he left them undefined but gave all four classes a new function. Similarly, Solon did not create the jury-courts (*dikastêria*) as known in the classical period, but he did create a right of appeal against the verdicts of individual magistrates to the *(h)eliaia*. Moreover, he inaugurated the principle of *ho boulomenos*—the right of any citizen 'who wishes to do so' to take legal action on an issue in which he is not personally involved. As Gagarin points out, procedure was—and remained—a formative element in Greek law, and yet Solon, like Draco before him, made procedural law subordinate to substantive law in many of his regulations. Solon, however, also added procedural innovations to Athenian law,

notably the procedure of *ho boulomenos* and the right of appeal (*ephesis*). These innovations would ultimately develop into the classical system of the democratic law courts.

The nature of Solon's reforms was already heavily debated in antiquity. In Aristotle's *Politics*, and more markedly in the *Athênaiôn Politeia*, Gehrke finds traces of a debate on the scope of Solon's political actions, identified at both extremes as either elitist or radically democratic. In the *Athênaiôn Politeia* Solon figures as an example of a politician who had to move between these extremes, and his lawgiving is assessed by the parameters of this debate. Solon's laws regarding the political structure of Athens acquire the contours of the mixed constitution, the ideal means between the extremes, although probably much of what Solon actually did was regulating already existing practices.

Harris analyzes the Greek conception of the rule of law found in Solon's poetry and in Greek legend and in the laws of archaic and classical Athens. In order to illustrate what is distinctive about Solon's view of his task, he first compares the way the Near Eastern lawgivers such as Hammurabi envisioned their role as lawgivers and their relationship to the law with the different approach of Solon and other Greek lawgivers. Hammurabi and other Near Eastern lawgivers were monarchs; the laws they created were their laws and demonstrated their justice and right to hold power. Solon, by contrast, viewed monarchy as tyranny, the very opposite of the rule of law, and distributed power to various parts of the community to administer his laws. The second part of his essay shows how an understanding of the different approach taken by the Greek lawgivers helps to explain why Greek laws took on a different shape and form from those of the Near Eastern kings. The laws of the latter do not generally indicate who has the power to punish various officials; the laws belong to the king and are his to administer. By contrast, Solon and lawgivers in other archaic Greek *poleis* handed down their laws to the people for them to administer. The laws often imposed term limits or divided powers among different magistrates, they contain penalties for magistrates and several contain entrenchment clauses to ensure that the laws are not overturned by those in power. Such clauses are not found in the laws of Hammurabi and other Near Eastern kings.

What precisely was the crisis this lawgiver Solon had to solve? The written sources are unanimous on the fact that a political crisis was imminent as a consequence of economic inequality. At first sight, however, the archaeological record provides no evidence for a substantial

growth of the population and the exploitation of previously uncultivated land, two reasons advanced for the growing gap between rich and poor. Is it possible to make the written and material evidence meet? Bintliff shows that from early archaic times onward the possession of arable land in Attica was very unevenly divided and that there must always have been a deep divide between the elite and the poor. At the same time, by the end of the seventh century more land in Attica was taken into production, in various ways that cannot be traced directly from excavation finds but can be deduced from survey results indicating changes in settlement patterns and intensified use of land. Because the elite had kept a firm grip on the poor from the Dark Ages onward, when shortage was in labor and not in land, the *agathoi* increased their pressure on the *kakoi* to yield all the surplus and labor they might have. Forsdyke addresses the same question but from a different angle. She points to comparative material advanced by historians to sketch and explain the changes in land use and labor, and corroborates Bintliff's findings. She concludes that cultivation of the land did intensify in several ways in early sixth-century Athens and that this situation caused an increasing demand for labor, possibly leading to the exploitation of the poor.

Crises in agriculture and in the distribution of wealth would lead to political alterations and, according to tradition, ultimately produced the institution of the four Solonian property classes. Van Wees and Raaflaub both address this topic, but they arrive at different results. They agree on one essential finding: the tradition represented by the *Athênaiôn Politeia* about the emergence of a middle class, identified with the third class of the *zeugitai*, as the innovative political force paving the way towards democracy in Solon's days, cannot be maintained. Raaflaub compares the political ideal of *eunomia* expressed in Solon's poems with the constitution, also qualified as *eunomia*, ascribed to Spartan Lycurgus on the one hand, and the distribution of wealth implied by the qualifications of the property classes and their political roles on the other. Reflecting on both sets of evidence, he concludes that the property classes as delineated in their economic and political sense cannot date to Solon's time. As a feasible alternative date he proposes the revision of the *politeia* by Ephialtes.

Van Wees, elaborating a conclusion recently advanced by Lin Foxhall and revising earlier conclusions of his own, argues that the *zeugitai* were something quite different in Solon's days from what the later tradition took them to be. The population in the early sixth century must

have consisted of a (very) wealthy elite and a large group of (very) poor, divided by a great gap. This conclusion results from different arguments from those offered by Bintliff and Forsdyke, but obviously they coincide. Van Wees suggests that the crisis to which Solon had to respond was the result of new pressures on land and labor created by violent competitiveness in the acquisition of wealth on the part of the rich. Considering Solon's institution of the four property classes fundamentally elitist, Van Wees argues that it was created to balance the measures known as the *seisachtheia*, insofar as it granted the upper classes a range of political privileges to compensate for the loss of opportunities for economic exploitation.

For the majority of details on Solon's life, as well as for fragments of law and poetry, we are dependent on Plutarch's *Life of Solon*, written seven centuries after Solon's lifetime. De Blois finds several reliable traces of earlier evidence in this text, but all of them tuned towards the debate in Plutarch's own days about the qualities of the ideal lawgiver and statesman. The ideal statesman needs to create a balance between the opposite roles of the democrat, who is in touch with the populace and minds its interests, and the lawgiver, who has to keep his distance from specific group demands and to create a *politeia* that is a benefit to all. Plutarch weighs the historical evidence he gathered about Solon against these stereotypes. Solon was not only an ideal lawgiver or politician, however, but also a man of action, as Ober reminds us. The *horoi* Solon claims to have removed from the land have never been found, but Ober argues that there are other ways of creating "facts on the ground", marks of possession and control which may have been used by the Athenian elite to dispossess the poor. He calls for the application of a political awareness, informed by modern parallels, to historical evidence in order to reach an engaged understanding of ancient society.

In the volume as a whole, several themes stand out which transcend the distinctions between topics and sources. The question of Solon's authorship of the poems ascribed to him is crucial. If the "I" in the poems is taken to represent a fictional persona rather than the historical Solon, or if one accepts that the corpus of these poems was created in the course of the fifth and fourth centuries rather than in the early sixth, the conclusion must be that these texts reflect a longstanding debate on political conflict and decision-making in which "Solon" features as a model figure. The actions and motives of Solon described in the poems

can only be taken as elements of this model figure, just as some of the actions (standing as a *horos* between two armies; covering two warring parties under one shield; freeing the earth) have to be understood as metaphors and part of the poetry.

This is a point of view defended in various ways by Lardinois, Irwin, Stehle, Noussia and Martin. Irwin argues that Solon uses the language typical of the *tyrannos* within the sympotic poetry of the elite, and portrays himself as being in an isolated position vis-à-vis the distinct groups of the population. This stance expresses in poetical terms what Gehrke discovers as a part of an ongoing debate on the scope of actions open to a politician who needs to engage with opposing and extreme positions in the fourth-century, which is one of the reasons why Stehle (and to some degree Lardinois) wants to situate Solon's political poems in this period. Solon features as a major example in a variety of political discourses, expressed in poetry and in prose, on the relationships between the *tyrannos*, the *dêmos*, and the aristocracy. Elements of this debate surface time and again, for example in the tradition of Solon as one of the Seven Sages, to be rendered by Plutarch as details in a discussion on the statesman, in which the same tradition can be recognized but transformed over time by philosophical developments and political changes. What the contributions of Stehle, Gehrke and de Blois show is that these debates around the figure of Solon are interesting in and of themselves and even if they ultimately tell us little about the historical Solon they are the more interesting because of what they tell us about the periods in which they were recorded.

But what would this assessment imply about the connection between the protagonist of the Solonian poems or the treatises of Aristotle and Plutarch and the historical Solon? No contributor to this volume goes so far as to doubt the historical existence of Solon altogether, but what would this historical Solon be like, if *ex hypothesi* we exclude the poems and the ancient biographers as a source? All traditions of whatever kind picture Solon as a lawgiver. However, exactly which Solonian laws should be attributed to him and which ones are later additions or forgeries, is a matter of debate. It is precisely the power exerted by the political debate in the fourth century, as analyzed by Gehrke, which accounts both for the preservation of many of Solon's laws and for the fictional laws attributed to him as founding father of the Athenian democracy. Among the numerous points of view included in this volume, only one single element is accepted beyond a reasonable doubt by all as a creation of the historical Solon or, at the very least, as

dating to the sixth century: those fragmented laws which are extant with Solon's name and which bear an *axon* number. All other laws and regulations without an anchor in the *axones* need an argument of their own to assess their position within the corpus. In this way, Scafuro, Blok, Gagarin, and Rhodes each discuss legal innovations attributed to Solon, which have more or less solid connections to the numbered *axones* or are situated firmly in the conditions of early sixth century Athens. They suggest that Solon was in several of his laws doing exactly what the tradition claimed he did, namely trying to lessen social tensions, to remove causes of a deep antagonism between the rich and the poor, and to address some of the extreme consequences of the unequal distribution of power between these groups.

If the Solonian reforms are not visible in the archaeological record, the material evidence of Athenian agriculture and of excavated cemeteries offered by Bintliff and Forsdyke shows signs of economic and social pressure. A small elite was gathering an impressive amount of wealth, while the land was, at the same time, increasingly cultivated with a concomitant exploitation of labor. On the ways in which Solon reorganized the economic, social and political structures of Athens, Blaise, Raaflaub, Van Wees, and Ober offer very different perspectives. Raaflaub and Blaise both read the 'Eunomia' poem (fr. 4) as a reflection of an archaic political ideal, which seems to belong to the political discourse referred to earlier, but which was consciously taken over by Solon as a means to his end. Harris similarly argues that the ideals ascribed to the lawgiver in the discourse tradition are reflected in the regulations adopted in the extant decrees of early and classical Greece. Finally, the *horoi* which in the view of Martin figure metaphorically in the poetic tradition of Solon, may have originated in real *horoi* as marks of oppression of the poor, as Van Wees and Ober see them.

The fundamental question, running through the whole volume, is the degree to which our ancient sources are understood to reflect the activities of the historical Solon or, at least, the conditions existing in sixth-century Athens. The most vexing problems are raised by the written sources, especially the poems and the later prose texts featuring Solon's political career. Does the figure of Solon in the poetic and discursive tradition reflect his historical role in the Athenian crisis of the early sixth century, or rather his paradigmatic persona in the political discourse of the later fifth and fourth centuries? All contributors take up a stance somewhere between these two extremes and adduce different arguments to clarify the relationship between the historical

Solon and the actions ascribed to him (reforming society, issuing laws, creating poetry). Such arguments consist of judgements on the quality and meaning of Greek literary texts in the light of oral poetics and intertextuality. They include a historical understanding of Greek lawgiving, which seems more reliable when formed independently of the sources on Solon (e.g., informed by epigraphical evidence); or they rely on archaeological evidence, which is also best considered independent of the written record. But above all, they require dialogue and an interdisciplinary approach, such as offered by this volume.

PART I

SOLON THE POET

CHAPTER ONE

HAVE WE SOLON'S VERSES?

André P.M.H. Lardinois

Solon's poems have always been considered the primary source for the reconstruction of the historical figure of Solon, ever since antiquity. The author of the *Athênaiôn Politeia* and Plutarch quote them for that reason and modern accounts of Solon's life likewise take them as their point of departure.[1] Even source-critical accounts, such as Mary Lefkowitz's (1981) or Kurt Raaflaub's (1997), consider the poems to be genuine and to be our most reliable evidence for Solon's reforms. In this paper I wish to examine how far we can rely on this poetry being the *ipsissima verba* of the man. Most scholars simply assume this to be the case, but there are in fact good reasons to doubt the authenticity of at least part of the collection of fragments preserved under Solon's name.

First of all, it was not uncommon in antiquity to assign the works of later, lesser-known authors to a well-known predecessor. This happened to Homer and Hesiod, and, within the genre of elegy, to Tyrtaeus, Simonides and Theognis. The same thing could have happened to Solon, the more so since he was a well-known figure in fifth- and fourth-century Athens. There must have been many poets active in sixth century Athens, but, with very few exceptions, only the elegies and iambics of Solon have survived. One explanation for this lacuna is that the elegies and iambics of later sixth-century poets were gradually assigned to Solon, as has been argued in the case of Theognis in Megara.[2]

The other compositions of Solon also derive from various sources. There were three kinds of *ipsissima verba* ascribed to Solon in antiquity:

[1] Prime examples are Podlecki (1984) 117–143 and Knox (1989) 105–112. On the methodology behind the *Athênaiôn Politeia* and Plutarch's *Life of Solon*, see the contributions of Gehrke and de Blois to this volume. I would like to thank Josine Blok and Ewen Bowie for their valuable comments on earlier drafts of this paper, as well as the participants of the Solon conference who reacted to the oral version. Heather van Tress helped me to turn the paper into readable English.

[2] Cobb-Stevens, Figueira & Nagy (1985).

his poetry, his laws, and his sayings.[3] Historians agree that only a fraction of the laws attributed to Solon in the fourth century BCE were actually drafted by Solon himself and that many more were later attributed to him.[4] Of Solon's sayings there are also very few, if any, composed by Solon himself. They are for the most part traditional Greek sayings, which at some point were assigned to one or other of the Seven Sages, itself a loose and fluid group of people.[5] I believe that the same process of ascription and attribution underlies much of Solon's poetry.

Some of the poetry fragments ascribed to Solon have already been doubted, such as fragment 31, which consists of two hexameter lines and constitutes the beginning of a poem about the laws of Athens. Scholars agree that it is unlikely that Solon composed these lines.[6] The question is how many of the other fragments were actually composed by Solon. There are indications that at least some of them have to be dated after his lifetime, because references to historical events in the Solonian corpus are sometimes hard to reconcile with the date of Solon's archonship in 594 BCE, which is one of the few reliable dates we have for Solon.[7] Fragment 19, for example, is addressed to Philocyprus, a local king of Cyprus, whose son, according to Herodotus, ruled the island in 497 BCE. If this date is correct, it is all but impossible that Solon could have composed a poem for his father as king.[8] This poem was probably composed by another poet, but attributed to Solon because of the stories about his travels and the fact that the speaker in the fragment calls the subjects of Philocyprus 'Solioi'.

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[3] I leave here out of consideration the 'letters' of Solon, which only a Diogenes Laertius could consider authentic (Diog. Laert. 1.64–67).

[4] E.g. Osborne (1996) 220–221. See also the contributions of Scafuro and Blok to this volume.

[5] For the tradition of the Seven Sages and Solon's place in it, see Martin (1998) and Noussia (2001a) 18–21.

[6] E.g. Gerber (1999) 153, Noussia (2001a) 379–380.

[7] Rhodes (1981) 120–122. Downdating the archonship of Solon, as Miller has suggested in a series of articles (see Rhodes o.c.), would help to authenticate some of Solon's poetry but creates other, insurmountable difficulties, such as the evidence from the archon list.

[8] Hignett (1952) 320; cf. How & Wells (1928) ad Hdt. 5.113.2. It is interesting to note that the likely date of the poem does fit Herodotus' own dating of Solon in the reign of Croesus (ca. 560–546 BCE). Holladay (1977) 54 tries to reconcile the date of the Cypriot kings with Solon's archonship in 594 BCE, but his reconstruction, while technically possible, is not very plausible.

In fragments 1–3, the narrator speaks about the necessary (re)conquest of Salamis, but the Athenian conquest of Salamis probably occurred in the time of Pisistratus, not in Solon's time.[9] The conquest of Salamis (together with this elegy?) may have been assigned to the older statesman, when the tyranny of the Pisistratids became unpopular, in the course of the fifth century.[10] Finally, in Solon fr. 12 a reference has been detected to the cosmological system of Anaximander.[11] If this is correct, the fragment is more likely to derive from a poem dated to the second half of the sixth century than the first, because Anaximander was active a full generation after Solon and his book may not have circulated before 547/6 BCE.[12] Elegies like this one could have become attached to Solon because of his reputation as a sage.

In evaluating the possible sources of Solon's poetry, it is necessary to make a distinction between his elegies (frs. 1–30 in Martin West's edition) and his iambic or trochaic poems (frs. 32–46). Although compositions in both meters are ascribed to the same poets, such as Solon or Archilochus, they are in fact quite distinct. I will therefore first discuss Solon's elegies and subsequently his iambics. In the last part of this contribution, I will comment on the deliberate manipulation of Solon's verses.

The Elegies

Of Solon's elegies only fragments 1–4, including 4a, and 22a (to Critias) are specifically addressed to an Athenian audience. Therefore in all probability they were composed by an Athenian poet, though not necessarily by Solon. Most other elegies are of a generic nature and could have been composed by almost any poet in almost any Greek city-

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9 Taylor (1997) 12–25. Already in antiquity doubt was expressed about Solon's participation in the war over Salamis: Daimachos of Plataeae *FGrHist* 65 F 7 = Plut. *Comp. Solon et Public.* 4.1.

10 Cf. Noussia's contribution in this volume about the role Plutarch assigns to Solon in the Spartan arbitration over the island, which must also have occurred after his lifetime. She regards the Salamis elegy itself, however, as genuine.

11 Gentili (1975), cited by Noussia in this volume. Cf. Noussia (2001a) 285.

12 Kirk, Raven & Schofield (1983) 101–102. Noussia's suggestion (see previous note) that Solon may have heard about this philosopher on his travels, rests on the assumption that the stories about Solon's travels are historical and not part of the legend. On Solon's travels as probably legendary, see Rihll (1989) esp. 280–281, following Szegedy-Maszak (1978) esp. 202–204.

state. They address such general topics as the dangers of tyranny, the instability of wealth or the pleasures of love, topics that are also found in the elegies of Theognis. Indeed, many of Solon's fragments appear in the *Theognidea*, a collection of excerpts from the elegies ascribed to the Megarian poet Theognis, as well. No less than five of the 30 elegiac fragments of Solon correspond in one or more of their lines to the elegies of Theognis.[13] We do not know the exact relationship between Solon's fragments and the *Theognidea*. Theognis may have borrowed these lines from Solon or Solon from Theognis or the material in both collections may derive from a common source of generic and (previously) anonymous elegiac couplets. There is some evidence that in Solonian poetry older elegiacs were inserted and adapted.[14] But even if Solon originally composed these lines, as is generally assumed, their reappearance in the *Theognidea* shows us how easy it was for later Greeks to imagine that another person than Solon delivered them.

Most scholars believe that the parallel lines in the *Theognidea* were copied from a Solonian collection of poetry into the Theognidean corpus.[15] If so, the compiler of the *Theognidea* used a different text of Solon's poetry from that used by the other authors who quote his poems, because the variations between the readings of the *Theognidea* and the fragments of Solon are considerable. As an example I have printed below the different versions of Solon frs. 6.3–4 and 13.71–76. The first quotation provides the text of, respectively, Aristotle and Stobaeus, who claim to cite the verses of Solon, and the second quotation their equivalent in the *Theognidea*. I have boldfaced all the differences between the two versions. Next, I have italicized those differences which are most likely to represent genuine variations.

[13] Solon fr. 6.3–4 / Thgn. 153–154; Solon fr. 13.65–70 and 71–76 / Thgn. 585–590 and 227–232, Solon fr. 15 / Thgn. 315–318; Solon fr. 23 / Thgn. 1253–1254; Solon fr. 24 / Thgn. 719–728 (the last four lines of this fragment are in fact only attested in Theognis!). The gnomic expression, paraphrased in Arist. *Eth. Nic.* 10.7.1177b31, was also attributed to both Solon and Theognis, according to Michael, *Comm. in Arist. Graeca* 20.591.14, who is quoted by West (1992) 164 and Gerber (1999) 164 ad Solon fr. 45.

[14] See Faraone (2005). I am grateful to Chris Faraone for sharing with me some of his still unpublished work on early Greek elegy.

[15] E.g. West (1974) 40–61 and Bowie (1997) esp. 62–66. This is also the underlying assumption of all recent editions of Solon and Theognis: cf. Irwin's contribution to this volume, note 43.

1. Solon fr. 6.3–4 (Aristotle) = *Theogn.* 153–154

a) Solon apud Arist., *Ath. Pol.* 12.2
τίκτει **γὰρ** κόρος ὕβριν, ὅταν ***πολὺς*** ὄλβος ἕπηται
    ἀνθρώποις ὁπόσοις μὴ νόος ἄρτιος ἦι.[16]

b) Theogn. 153–154
τίκτει **τοι** κόρος ὕβριν, ὅταν ***κακῶι*** ὄλβος ἕπηται
    ἀνθρώπωι καὶ ὅτωι μὴ νόος ἄρτιος ἦι.[17]

2. Solon fr. 13.71–76 (Stobaeus) = *Theogn.* 227–232

a) Solon apud Stobaeus 3.9.23.
πλούτου δ' οὐδὲν τέρμα πεφασμένον ***ἀνδράσι κεῖται·***
    οἳ γὰρ νῦν **ἡμέων** πλεῖστον ἔχουσι βίον
διπλασίως σπεύδουσι· τίς ἂν κορέσειεν ἅπαντας;
    κέρδεά τοι θνητοῖς ***ὤπασαν ἀθάνατοι***,
ἄτη δ' ***ἐξ αὐτῶν*** ἀναφαίνεται, ἣν **ὁπόταν** Ζεὺς
    πέμψηι ***τισομένην***, ἄλλοτε ἄλλος ἔχει.[18]

b) Theogn. 227–232
πλούτου δ' οὐδὲν τέρμα πεφασμένον ***ἀνθρώποισιν·***
    οἳ γὰρ νῦν **ἡμῶν** πλεῖστον ἔχουσι βίον,
διπλάσιον σπεύδουσι. τίς ἂν κορέσειεν ἅπαντας;
    χρήματά τοι θνητοῖς ***γίνεται ἀφροσύνη***,
ἄτη δ' ***ἐξ αὐτῆς*** ἀναφαίνεται, ἣν **ὁπότε** Ζεὺς
    πέμψηι ***τειρομένοις***, ἄλλοτε ἄλλος ἔχει.[19]

Even a cursory look at these examples reveals considerable differences. These differences are, in my opinion, too many and too significant to be the result of scribal error alone. They can best be explained by assuming an oral tradition behind the two versions.[20] Such an oral tra-

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[16] Translation: 'For excess breeds insolence, whenever great prosperity comes / to humans who are not of sound mind'. I have profited here and in the rest of the article from the translations of Gerber in the Loeb edition (Gerber 1999).

[17] Translation: 'Excess in truth breeds insolence, whenever prosperity comes to a wicked / man and to one who is not of sound mind'.

[18] Translation: 'But of wealth no limit lies revealed to men; /for those of us who now have the greatest livelihood / show twice as much zeal. What could satisfy everyone? / In truth the immortals give men profits / and from them is revealed ruin, whenever Zeus / sends it to punish them, now the one then the other'.

[19] Translation: 'But of wealth no limit is revealed to humans; / for those of us who now have the greatest livelihood / show two times as much zeal. What could satisfy everyone? / Possessions result in folly for mortals / and from it there is revealed ruin, whenever Zeus / sends it to wretched men, now the one then the other'.

[20] Cf. Nagy (1985), Collins (2005) 111–134, and Irwin's contribution to this volume. Another possibility is that Theognis deliberately changed and adapted lines of Solon. For this possibility, see Blaise's contribution to this volume, p. 129. However, as Irwin

dition would have generated, over time, two or more distinct versions of the same poem, which different authors could cite. In other words, the version found in the *Theognidea* shows us one way these elegies were remembered in the classical period and the citations of Solon in Aristotle show another way.

In fact, the existence of an oral tradition would help to explain not only the variations between the elegies of Solon and the *Theognidea*, but also within the fragments of Solon themselves. Fragments of the elegies of Solon are preserved in the texts of several ancient authors. These texts sometimes preserve the same lines, in which case they invariably differ from one another. I have listed some of these differences below, taken from fragments 5, 11 and 22a of Solon. I have again boldfaced all differences and italicized those instances which most likely represent genuine variations:

1. Solon fr. 5.1–2 (Aristotle and Plutarch)

a) Arist., *Ath. Pol.* 12.1.
δήμωι μὲν γὰρ ἔδωκα τόσον ***γέρας*** ὅσσον **ἀπαρκεῖ**,
τιμῆς οὔτ' ἀφελὼν οὔτ' ἐπορεξάμενος·[21]

b) Plut. *Sol.* 18.5.
δήμωι μὲν γὰρ ἔδωκα τόσον ***κράτος*** ὅσσον **ἐπαρκεῖ**,
τιμῆς οὔτ' ἀφελὼν οὔτ' ἐπορεξάμενος·[22]

2. Solon fr. 11.1–4 (Diodorus Siculus, Plutarch and Diogenes Laertius)

a) Diod. Sic. 9.20.3.
εἰ δὲ πεπόνθατε ***λυγρὰ*** δι' **ὑμετέραν** κακότητα,
μὴ **θεοῖσιν** τούτων ***μοῖραν*** ἐπαμφέρετε·
αὐτοὶ γὰρ τούτους ηὐξήσατε ***ῥύματα*** δόντες,
καὶ διὰ ταῦτα κακὴν **ἔσχετε** δουλοσύνην.[23]

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shows, it is impossible to determine with certainty which version is older or when they were exactly composed, nor does a simplified version necessarily follow the more complex one, as Blaise's own analysis of the reworking of traditions in Solon fr. 4 demonstrates. I like Irwin's suggestion that the transmission and preservation of these variants is due, in no small part, to their becoming established as separate traditions.

[21] Translation: 'For I have given the people as much privilege as is sufficient, / neither taking away from their honor nor adding to it (or: reaching out to it)'. For the possible meanings of ἐπορεξάμενος, see Irwin's contribution to this volume, note 19. The papyrus' text of *Ath. Pol.* in fact reads ἀπορεξάμενος, which is a clear example of a scribal error, because it yields no meaning.

[22] Translation: 'For I have given the people as much power as suffices, / neither taking away from their honor nor adding to it (or: reaching out to it)'. For the possible interpretations of ἐπορεξάμενος, see the previous note.

[23] Translation: 'If you have suffered grief because of your wickedness / do not direct

b) Plut. *Sol.* 30.8.
εἰ δὲ πεπόνθατε ***λυγρὰ*** δι' **ὑμετέρην** κακότητα,
μὴ **θεοῖσιν** τούτων ***μῆνιν*** ἐπαμφέρετε·
αὐτοὶ γὰρ τούτους ηὐξήσατε ***ῥύματα*** δόντες,
καὶ διὰ ταῦτα κακὴν **ἔσχετε** δουλοσύνην.[24]

c) Diog. Laert. 1.51.
εἰ δὲ πεπόνθατε ***δεινὰ*** δι' **ὑμετέρην** κακότητα,
μή **τι θεοῖς** τούτων ***μοῖραν*** ἐπαμφέρετε·
αὐτοὶ γὰρ τούτους ηὐξήσατε ***ῥύσια*** δόντες,
καὶ διὰ ταῦτα κακὴν **ἴσχετε** δουλοσύνην.[25]

3. Solon fr. 22a (Proclus and Aristotle)

a) Proclus *in Tim.* 20e (i.81.27 Diehl)
εἰπέμεναι **Κριτίῃι** ***ξανθότριχι*** πατρὸς ἀκούειν·
οὐ γὰρ ἁμαρτινόῳ πείσεται ἡγεμόνι.[26]

b) Arist. *Rhet.* 1.1375b34 Kassel
εἰπεῖν μοι **Κριτίαι** ***πυρρότριχι*** πατρὸς ἀκούειν·
οὐ γὰρ ἁμαρτινόῳ πείσεται ἡγεμόνι.[27]

The most striking difference is perhaps the one found in fragment 22a between the text of Proclus and Aristotle's *Rhetoric*. The version of Proclus—with its epic infinitive on -μεναι, the Ionic form of Critias' name, and its Homeric sounding epithet ξανθότριχι[28]—clearly represents a more archaic form of the couplet than the version found in Aristotle's *Rhetoric*, which has adapted the language to more regular, classical usage. It appears that Proclus somehow had access to an older—

the blame for this to the gods; / for you yourselves increased the power of these men by providing them guards / and because of these things you have got foul slavery'.

[24] Translation: 'If you have suffered terrible things because of your wickedness / do not direct your anger over this to the gods; / for you yourselves increased the power of these men by providing them guards / and because of these things you have got foul slavery'.

[25] Translation: 'If you have suffered terrible things because of your wickedness / do not direct in any way the blame for this to the gods; / for you yourselves increased the power of these men by providing them pledges (or: reprisals) / and because of these things you have foul slavery'. On the meaning of ῥύσια in this reading of the fragment, see Gottesman (2005).

[26] Translation: 'Prithee tell yellow-haired Kritiês to listen to his father / for he will be heeding a guide of unerring judgment'.

[27] Translation: 'Tell red-haired Critias to listen to his father for me / for he will be heeding a guide of unerring judgment'.

[28] Cf. Hom. *Od.* 13.399 and 431: ξανθὰς… τρίχας. πυρρός was a much more common term to denote a color of hair in fourth century Athens: see LSJ s.v. πυρρός. An infinitive on -μεναι is also attested in Solon fr. 13.39.

or more consciously archaizing—version of Solon's poetry, while Aristotle's *Rhetoric* preserves the way in which its author remembered the lines in fourth century Athens.[29]

In order to demonstrate how the variations in these poems may result from oral recitation, rather than from scribal error, I have analyzed below an English nursery rhyme in the same way I have analyzed Solon's fragments. My two versions of this nursery rhyme, 'A Little Cock Sparrow', derive from two well-known collections: *Mother Goose's Book of Nursery Rhymes and Songs* and *The Oxford Dictionary of Nursery Rhymes*.[30] They show variations similar to those in the fragments of Solon:

a) *Mother Gooses's Book*

A little cock sparrow sat on a green tree
And he chirruped, he chirruped, so merry was he.
A naughty boy came with his wee bow and arrow,
Determined to shoot this little cock sparrow
This little cock sparrow shall make me a stew,
And his giblets **shall** make me a little pie too!
Oh no! said the sparrow, I won't make a stew,
So he **flapped** his wings and away he flew.

b) *Oxford Dictionary of Nursery Rhymes*

A little cock sparrow sat on a green tree
And he chirruped, he chirruped, so merry was he.
A naughty boy came with his wee bow and arrow,
Says he, I will shoot this little cock sparrow
His body will make me a nice little stew
And his giblets **will** make me a little pie too!
Oh no! said the sparrow, I won't make a stew,
So he **clapped** his wings and away he flew.

The variations between the two versions of the nursery rhyme are most marked in the fourth and fifth line. Here the Mother Goose version reads 'Determined to shoot this little cock sparrow / This little cock sparrow shall make me a stew', while the Oxford Dictionary reads

[29] Cf. Noussia (2001a) 312–314, who also regards Proclus' version as older. Stehle, in this volume, postulates a fifth-century collection of Solon's poetry centering around Critias and other family members. If Proclus had access to such an edition, it would have been indirectly through a fifth- or early fourth-century Athenian author, or a Hellenistic edition of Solon's poems, which had somehow unearthed the archaic form of the couplet. Most modern editions conflate the two versions.

[30] Rhys (1931) 193; Opie & Opie (Oxford 1951) 133.

'Says he, I will shoot this little cock sparrow; / His body will make me a nice little stew'. In this case we know that the differences between the two rhymes do not result from scribal error but from the fact that the editors of the two collections recorded the rhymes from different people.

It is sobering, in this regard, to consider the slight variation in the last line of the nursery rhyme, where the Mother Goose collection records that the sparrow 'flapped' his wings and the Oxford Dictionary that he 'clapped' them. When modern editors, like Martin West, find such variations in the citations of Solon, they assume that one of them is correct and the other is not. But as the analysis of nursery rhymes shows, such variations may reflect distinct versions of the same poem. Consequently, even the differences between the elegiac fragments of Solon which I have merely boldfaced but not italicized, need not be the result of scribal error but of different ways in which the poems were remembered and recorded.

Solon's elegies were orally transmitted for most of the sixth to fourth century BCE. We know that his poems were performed at symposia and at the Apatouria festival, where, according to Plato, young Athenian boys used to recite them.[31] More than likely these boys learned Solon's elegies by heart, which would lead to slight variations whenever they reperformed them at symposia or taught them in turn to their sons. Furthermore, as our collections of nursery rhymes show, the recording of these rhymes in texts does not stop their development. Versions of the 'little cock sparrow' were written down repeatedly in the eighteenth, nineteenth and twentieth century, but it still continued to change, because such rhymes are learned through oral transmission and not, primarily, out of books. Therefore, even if texts of Solon's poems were written down as early as the sixth or fifth century BCE, they could continue to change and to develop.[32] As a result, every recorded text of Solon in the sixth to fourth century BCE might differ slightly from one another, as do the texts of our authors who cite Solon's poetry. These texts are different, because the authors remem-

[31] For the performance of Solon's elegies at symposia, see Herrington (1985) 38, Bowie (1986) esp. 18–21, Mülke (2002) 20 and Faraone, forthcoming, Ch. 4. For performances at the Apatouria festival in fifth-century Athens: Plato *Tim.* 21b–c with Herrington (1985) 168 and Stehle's contribution to this volume.

[32] On the possible continuation of and changes in oral traditions even after the appearance of written texts, see Thomas (1992) 44–51 and de Vet (1996).

bered the poems differently or relied for their citations on different editions of Solon's poetry.[33]

The compiler of the oldest collection of excerpts in the *Theognidea*, the so-called *florilegium purum*, which includes parallels to Solon's fragments 6 and 13, probably worked in the fourth century BCE, as Ewen Bowie has argued.[34] If this compiler relied for his parallels on a text of Solon and they were not at an earlier stage already incorporated into the corpus of Theognis, he probably used a fourth century edition of Solon's poetry. The author of the *Athênaiôn Politeia* would also have used a fourth-century text, if he did not recite from memory, while Stobaeus, for his lengthy citation of Solon fragment 13, probably used a Hellenistic edition of Solon's poetry. Plutarch, finally, seems to be relying for his quotations on a variety of sources, including several Atthidographers, but they would not go back much further than the fourth century either.[35]

This means two things: first, we will have to acknowledge that our text of Solon's elegies is different from the poetry Solon composed in the early sixth century. Poems were added from various sources and the text itself must have changed over time. The poetry we have is the poetry of Solon as recognized in the fourth century BCE. Secondly, we will have to consider the possibility that the divergences we find in the *Theognidea* and in the different citations of Solon's elegies represent distinct variations of orally transmitted poems. They are distinct and should not be conflated into one composite form, as is the standard practice now in our editions of Solon's poetry. Instead, we should print the elegiac fragments with all their variations, unless they can clearly be shown to be the result of scribal error.[36]

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[33] The divergence between different editions of archaic Greek poetry in antiquity is confirmed by a recently published Sappho papyrus from Egypt (Gronewald & Daniel 2004). This papyrus, which dates to the beginning of the first half of the third cent. BCE, preserves a shorter or different ending of Sappho fr. 58 than the one we know from the Oxyrhynchus papyrus, which probably goes back to a later Alexandrian edition of Sappho's poetry. In this case, too, I would postulate that the two versions derive from different ways this poem of Sappho was remembered and recited.

[34] Bowie (1997) 63. West (1974) 57 dates the *purum* around 300 BCE.

[35] On the sources of Plutarch's *Life of Solon*, see Von der Mühll (1942) and the contribution of de Blois to this volume.

[36] For a similar approach to the editing of the Homeric texts with their textual variations, see Nagy (2004) ch. 3.

The Iambics

The iambic and trochaic verses attributed to Solon (frs. 32–46 in West's edition) show less textual variations than his elegies, although they are found in the same authors, mainly Plutarch and the *Athênaiôn Politeia.* They therefore seem to represent a more stable collection of poetry. A prominent exception is fr. 37.6–9, which reads like an alternative ending to fr. 36.22ff. Richard Martin (in this volume) points to the repetition of the image of the *horos* at the beginning of fr. 36 and at the end of fr. 37, which suggests that it was once part of the same poem. It could well be that there existed in fourth-centuy Athens two or more versions of fragment 36 with different endings.[37]

The otherwise, more or less stable condition of Solon's iambics may be due to different circumstances of (re)performance, resulting in fewer different versions, or to a different mode of transmission. Another difference is their personal tone: while most of the elegies are generic and refer little to Solon or even to Athens, in the larger iambic and trochaic fragments, quoted by Aristotle and Plutarch, Solon himself is the speaker (frs. 32, 34–37) or he is directly referred to by name (fr. 33). In the iambics, we thus seem to come closer, both in content and in form, to the historical figure of Solon than in his elegies. The problem is, however, that we know far less about early Greek iambus than about elegy and that there is no consensus about its original purpose or character. For example, we do not know if iambic poetry allows for the narration of personal experiences or operates with fictive personae. The latter has been argued by West with regard to the figures of Lycambes and his daughters in the poetry of Archilochus,[38] and the same could be the case with Solon as well.

West defines seven characteristics of the early Greek iambus: 1) it always consists of a poetic monologue or a monody of simple structure; 2) conversations appear in it, but sometimes they are reported by the narrator; 3) the characteristic meters are the iambic trimeter and trochaic tetrameter; 4) the speaker addresses himself sometimes to the public and sometimes to an individual, who may be a friend; 5) per-

[37] Cf. my note 33 on alternative endings to Sappho fr. 58 in Alexandrian editions of her poetry. For a complete text with translation of frs. 36 and 37, see the Appendix to this volume.

[38] West (1974) 22–39. For a critique of West's position, see Carey (1986) and Slings (1990).

sons in the poems are mocked; 6) the speaker may assume a different character altogether; and 7) it shares with Attic comedy certain subject matters, such as sex and food. Ewen Bowie has added to this list: 8) the use of narration, which can consist of personal or fictive accounts.[39] The iambic meter lends itself indeed much better for the telling of stories than the elegiac couplet, because it allows, like the hexameter, for the free flow of sentences from one line to the next, while the elegiac couplet comes to a natural stop every second line.

Before listing the different characteristics of early Greek iambus, West makes an exception for Solon's trimeters and tetrameters, which, because of their political content and their similarity to his elegies, '[w]e cannot regard… as true iambi'.[40] There is, however, little reason to make this exception, because the remaining fragments of Solon's iambics conform quite neatly to these characteristics. Fragments 32, 34, 36 and 37, all composed in iambic trimeters or trochaic tetrameters, consist of poetic monologues that at the same time qualify as narratives about the past. Plutarch informs us that fr. 32 was addressed to an individual, named Phôkos, who from the context in Plutarch appears to have been presented as one of his friends,[41] while in fr. 33 the narrator assumes the character of a common man, who mocks Solon for not grasping the tyranny when he had the chance; in another fragment, Solon himself 'rebukes' (ὀνειδίσαι) the people (fr. 37.1). Finally, the smaller fragments share with other early Greek iambus and with Attic comedy an interest in food.[42] All this is to show that Solon's iambics are not exceptional but fit the characteristics of the genre.[43] Which brings us back to the question of the persona in Solon's iambics: is it fictional or real?

The persona found in Solon's iambics (frs. 32–37) is at any rate consistent. It presents an elder statesman who looks back at his reforms which have not received the acclaim they deserve (frs. 34, 36 and 37). He further reflects on the fact that he could have been a tyrant, but

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[39] Bowie (2001).

[40] West (1974) 32.

[41] Plut. *Solon* 14.8: '[Solon] told his friends (τοὺς φίλους), as is reported, that tyranny was a fine position to have, but that there was no way of leaving it, and writing in his poems to Phôkos, he says… [fr. 32].'

[42] Frs. 38–41. See on these fragments Noussia (2001b), who dispels West's notion that they refer to the prosperity Solon would have brought to the *dêmos* (West 1974, 32) and instead connects them with the foodstuffs served at symposia.

[43] For a similar approach to Solon's iambics, see Kantzios (2005). Bowie (2001) also considers Solon's trimeters and tetrameters to be standard iambics.

chose not to out of moral rectitude (frs. 32 and 34), which is also what the mocking speech of the common man, who identifies the persona as 'Solon' (fr. 33.1), is meant to show. Now it is certainly possible that Solon himself created this persona, even that he presented himself as an old man looking back at his reforms at the moment that he was in the prime of life and busy implementing them. I find this scenario, which Robert Parker suggested to me at the conference, more plausible than the one which makes Solon compose these poems when he really was old and no longer politically active. In that case the poems would lose much of their political significance: who would want to hear, let alone reperform, poems of an old politician complaining about the ingratitude he received?[44] Similarly, a concern for politicians who might lack the moral fiber to resist tyranny would fit any time after the failed coup attempt of Cylon. However, it would also fit the times of Pisistratus and his sons, and I consider it equally possible that it was in this period that disgruntled aristocrats made use of the generic possibilities iambus offered them to compose poems for their symposia about an elder, noble politician who looks back at a time when such men instituted the right reforms ('not sharing the country's rich land equally between the base and the noble', fr. 34.8–9) and resisted the temptation of tyranny.[45] This picture may well be based on memories of a real politician, named Solon, who was active in the days before Pisistratus, but, as with all later traditions about Solon, it would not be a faithful representation of the man or his reforms. Indeed, we may be witnessing in these iambic fragments the very first beginnings of the political reconstruction of a legendary Solon, as continued later in the Attic orators, in Aristotle's *Politics* and in the *Athênaiôn Politeia*.

The genre of early Greek iambus seems to allow for both possibilities: a real Solon projecting himself into his poetry as an old but noble politician, or later poets making use of this persona to conjure

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[44] Cf. Linforth (1919) 10: 'the Athenians would not naturally have committed to memory, or encouraged their rhapsodists to commit to memory, the poems which Solon wrote in his own defense'. Linforth uses this argument in support of a written edition of the poems, composed by Solon himself, but this solution merely shifts the problem from oral memorization to memorization in writing: why would the Athenians have copied poems they did not want to remember?

[45] Cf. the contribution of Eva Stehle to this volume, who suggests that some of these poems may have been composed as late as the fourth century BCE. On the aristocratic bias in Solon's fragments, including his use of the terms *esthloi* and *kakoi* for aristocrats and non-aristocrats in fr. 34.8–9, see Mülke (2002) 358, 398 and passim. On Solon's reforms as by and large still favoring the rich, see van Wees' contribution to this volume.

up the image of an ideal reformer and, indirectly, to criticize their own times. We should admit that we do not know and should accept this conundrum instead of touting these fragments as prime examples of Solon's own words. Personally, I do believe that the historical Solon composed some poems—there must have been some basis for ascribing other poetry to him—,[46] but how many of the iambic and elegiac fragments attributed to Solon were actually composed by him we will never know.

The Deliberate Manipulation of Archaic Greek Verses

So far I have argued that to an existing body of poetry other elegiac and iambic poems were added and that some of the differences we find in our texts of Solon's fragments were probably caused by unintentional changes resulting from the process of oral transmission. In some cases, however, I think we can recognize a deliberate manipulation of lines attributed to Solon. My first example is line 1 of fragment 5, quoted above.[47] Here the speaker of the fragment, whom fourth-century Greeks would have identified with Solon, says, according to the version preserved in the *Athênaiôn Politeia*, that he gave a γέρας (privilege) to the people. According to Plutarch's version, however, Solon claimed not to have given a γέρας but κράτος (power) to the *dêmos*. One can imagine that the latter version would have appealed to Athenian democrats in the fifth or fourth century, who may be suspected of having changed an original γέρας into κράτος in order to add Solon's authority to their constitution. On the other hand, γέρας need not be original either but could be the product of fourth-century elitists, who liked to portray Solon as a benevolent aristocrat who supported the people but did not give them real power. I am thinking of orators like Isocrates.[48]

Political motivations can play a role not only in the manipulation of Solon's verses, but in their (re)interpretation as well. According to

[46] Alternatively, his reputation as a sage, already attested in Herodotus, may have led to the ascription of poetry to Solon. On the composition of poetry as one of the typical features of the Seven Sages, see Martin (1998) 113–115.

[47] For a complete text with translation of this fragment, see Irwin's contribution to this volume, p. 44.

[48] On the debates around Solon and the nature of his reforms in fourth-century Athens, see the contribution of Gehrke to this volume.

a widely accepted interpretation, which is shared by Diodorus Siculus and Plutarch, Solon fr. 11 refers to the rise to power of Pisistratus.[49] The narrator in this fragment tells his audience that they increased the power of 'these men' by providing them with 'guards' (ῥύματα) and therefore have to live now in foul slavery. In a recent publication, Alex Gottesmann convincingly argues that this interpretation cannot be right and that the word 'pledges' or 'reprisals' (ῥύσια), attested in Diogenes Laertius, is likely to be older than the word 'guards' (ῥύματα), which is read by Diodorus and Plutarch.[50] Herodotus informs us that Pisistratus persuaded the Athenians to provide him with a bodyguard, which he subsequently used to install himself as tyrant.[51] It is to this bodyguard that ῥύματα in the version of Diodorus and Plutarch seems to refer. This word was probably introduced in the text the very moment the poem was related to Pisistratus, which may have happened as early as the fifth or fourth century BCE. This does not mean that ῥύσια is the original word Solon composed. That is possible, but it is also possible that the poem was assigned to Solon only after it was made to refer to the rise of Pisistratus and the change from ῥύσια to ῥύματα was introduced.

We see the same deliberate manipulation of lines in other early Greek verses, for example in the *Theognidea*. Here too we find different versions of the same lines but in this case within the same manuscript tradition. These so-called "doublets" have sparked much debate among philologists, which I will not go into here.[52] I can say that I agree with Ewen Bowie, against West, that these doublets probably derive from two different collections of Theognidean poetry.[53] I would merely add that these collections themselves reflect different recordings of Theognis' poetry, just as different versions of the fragments of Solon do.

One of the most intriguing doublets is found in the *Theognidea* lines 39–42 and lines 1081–1082b. I print both versions here below, boldfacing the differences between them:

[49] For a complete text with translation of this fragment, see the Appendix to this volume.

[50] Gottesmann (2005).

[51] Hdt. 1.59.

[52] See Irwin's contribution to this volume with extensive bibliography.

[53] Bowie (1997) 62, contra West (1974) 40–64.

Version A (39–42):

Κύρνε, κύει πόλις ἥδε, δέδοικα δὲ μὴ τέκηι ἄνδρα
 εὐθυντῆρα κακῆς ὕβριος ἡμετέρης.
ἀστοὶ μὲν γὰρ ἔθ' οἵδε σαόφρονες, ἡγεμόνες δὲ
 τετράφαται πολλὴν εἰς κακότητα πεσεῖν.[54]

Version B (1081–1082b):

Κύρνε, κύει πόλις ἥδε, δέδοικα δὲ μὴ τέκηι ἄνδρα
 ὑβριστήν, χαλεπῆς ἡγεμόνα στάσιος·
ἀστοὶ μὲν γὰρ ἔθ' οἵδε σαόφρονες, ἡγεμόνες δὲ
 τετράφαται πολλὴν εἰς κακότητα πεσεῖν.[55]

In version A, the speaker says that he fears that a man will come who will set straight the *hybris* of himself and the other citizens: in other words, he expects the arrival of a strong man who will heal the city. In version B, however, the speaker says that he is afraid a man will emerge who is himself hybristic and the instigator of civil war. The difference is clear.

Greg Nagy has discussed these lines, first in a 1983 article and later in a lengthy essay on the *Theognidea* in an edited volume on Theognis.[56] He recognizes in version A the hand of an oligarch or even of a supporter of tyranny, whereas version B would represent a more democratic ideology. Nagy further believes that the democratic version belongs to the first half of the sixth century and version A to the period after 550, when a moderate oligarchy was established in Megara. I can agree with Nagy's political analysis of these lines, but would hesitate to assign specific dates to the versions, let alone such an early date for the democratic version. There must have been oligarchs and democrats throughout Megarian history, who, at any moment, could have manipulated these lines in order to make them reflect their own political views.[57] The *Theognidea* are, in this respect, a useful parallel for

[54] Translation: 'Cyrnus, this city is pregnant and I am afraid she will give birth to a man / who will set right our wicked insolence. / These townsmen are still of sound mind, but their leaders have changed and fallen into the depths of depravity'.

[55] Translation: 'Cyrnus, this city is pregnant and I am afraid she will give birth to a man / who commits wanton outrage, a leader of grievous strife. / These townsmen are still of sound mind, but their leaders have changed and fallen into the depths of depravity'.

[56] Nagy (1983) and (1985).

[57] Cf. Collins (2005) 120, who writes with reference to this "doublet": 'It is not quite possible to say whether one of the distichs above presupposes and elaborates the other; instead, we can say that both reflect mutually-felt impulses for variation within

the poetry of Solon. The poetry of Theognis seems to have enjoyed a certain authority in Megara and to have functioned as a moral compass for the Megarian elite.[58] As a result people would look for support of their ideas in this collection of poems, and if they could not find it there, they would create it by changing lines, adding poems and suppressing others. I believe that the same thing happened to the poetry of Solon in Athens. Solon enjoyed great authority in Athens, especially in the fourth century, and one can easily imagine groups of people quoting and misquoting Solon's lines in order to prove him on their side.

My last example of deliberately manipulated verse comes from the Homeric epigrams. These are short hexameter compositions, attributed to Homer, but probably dating to the sixth century BCE at the earliest. They are preserved in the *Vitae* of Homer and in the so-called *Certamen Homeri et Hesiodi*, a composition dating from the Roman period but with roots in the Classical period.[59] Of one of these epigrams (Ep. 12 Markwald) two different versions are preserved, one in the *Vita Homeri Herodotea* and the other in the *Certamen*:

Version A (from the *Vita Herodotea*):

ἀνδρὸς μὲν **στέφανος** παῖδες, πύργοι δὲ πόληος,
ἵπποι δ' **ἐν πεδίῳ** κόσμος, νῆες δὲ θαλάσσης,
χρήματα δ' αὔξει οἶκον· ἀτὰρ γεραροὶ βασιλῆες
ἥμενοι εἰν ἀγορῇ κόσμος τ' ἄλλοισιν ὁρᾶσθαι.
αἰθομένου δὲ πυρὸς γεραρώτερος οἶκος ἰδέσθαι.[60]

Version B (from the *Certamen*):

ἀνδρὸς μὲν **στέφανοι** παῖδες, πύργοι δὲ πόληος,
ἵπποι δ' **αὖ πεδίου** κόσμος, νῆες δὲ θαλάσσης,
λαὸς δ' εἰν ἀγορῇσι καθήμενος εἰσοράασθαι.
αἰθομένου δὲ πυρὸς γεραρώτερος οἶκος ἰδέσθαι
ἤματι χειμερίῳ ὁπότ' ἂν νείφησι Κρονίων.[61]

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a tradition, accomplished by the means of the innovative use of known material'. See Irwin in this volume for a similar understanding of these doublets. Collins compares the Theognidean doublets to the alternative endings of the Attic skolia, which he connects with the sympotic game of 'capping' or improvising on known verses.

[58] See Figueira (1985), Nagy (1985) and Ford (1985).

[59] Rosen (2004) with earlier bibliography.

[60] *Vit. Her.* 425–429 Allen p. 211. Translation: 'Children are a man's crown, towers of a city / horses are the glory in a plain, ships of the sea, / wealth will make a house great, and majestic are kings / sitting in the agora and a glory for others to behold, / but more majestic is a house where the fire burns'.

[61] *Cert.* 281–285 Allen p. 236. Translation: 'Children are a man's crowns, towers of a city / horses are the glory of a plain, ships of the sea, /and a people that sits in the

"Homer" lists in both versions a number of things that are a pleasure to see: children of a man, towers of a city, horses in the plain and ships at sea. In the version preserved in the *Vita*, he adds to these wonderful things kings who are sitting in the agora. According to the version preserved in the *Certamen*, however, he did not enjoy seeing kings, but the people (λαός), who are sitting in the agora for all to see. It is significant that the *Certamen* situates Homer's delivery of these lines in Athens, while the *Vita* situates them in Samos. I believe that democratic Athens promoted a version of this epigram in which Homer commends the people as legislators and occupiers of the agora rather than kings.[62] Homer was, after all, like Solon, an authoritative figure, who one would wish to have on one's side.

Conclusion

We will have to recognize that most of our archaic Greek poetry was filtered through the archaic and part of the classical period before it was written down and more or less fixed in the way we have it. Particularly in the case of authoritative figures, such as Homer or Solon, whose opinions mattered, we have to be mindful of the deliberate manipulations of lines, besides the considerable changes the oral transmission of these lines may have caused already.[63] I could have cited still other examples, such as the lines on Salamis some said Solon inserted into the catalogue of ships in book 2 of the *Iliad*.[64] One should consider such reports not as aberrations nor do I want to suggest with the word 'manipulation' that such recompositions of traditional material were illegal or condemned. In archaic or classical Athens there was little concern for the integrity of literary compositions, as can be seen from the changes made in the elegies of Tyrtaeus or the interpolations into the texts of the tragedians.[65] Such changes are part of a still liv-

agora to behold, / but more majestic is a house where the fire burns / on a winter's day, when Cronus' son sends snow'.

[62] Cf. West (2003) 347 n. 16 ad *Cert.* 283: 'This line is a democratic adaptation of two lines in the version of the pseudo-Herodotean Life'.

[63] My conclusion is thus very different from Adam Parry's in his famous 1966 article on Homer's *Iliad.*

[64] Plut. *Sol.* 10. See on this episode Higbie (1997) and Noussia's contribution to this volume.

[65] Cf. Higbie (1997) 282: 'ancient readers … had a very different sensibility toward texts and editing from our own, particularly if those texts concerned the far distant past,

ing, (largely) oral tradition, in which poetry that matters is constantly updated and renewed. In that sense the change in Solon fr. 5 from γέρας to κράτος has to be seen, perhaps, as much as an adjustment, an historic update to bring Solon's poetry in line with new developments in the Athenian *polis*, as a deliberate manipulation of political verse. In this one case we can witness the change, because chance preserved two versions of the same fragment for us. In most cases, however, we only have one version and therefore do not know how much of it goes back to the sixth century and how much is the result of later additions or changes. It has often been observed that the ideas Solon expresses in his poetry about citizenship and the *polis* are far ahead of his time. Perhaps the reason for this is not that the man himself was so foresighted, but that subsequent generations helped to keep his verses up to date.

Bibliography

Allen, T.W. 1946. *Homeri Opera, Tomus V.* Third corrected edition. Oxford.

Bowie, E.L. 1986. Early Greek Elegy, Symposium and Public Festival. *JHS* 106: 13–35.

Bowie, E.L. 1997. The Theognidea: A step towards a collection of fragments? In *Collecting Fragments—Fragmente sammeln*, ed. G. Most, 53–66. Göttingen.

Bowie, E.L. 2001. Early Greek Iambic Poetry: The Importance of Narrative. In *Iambic Ideas: Essays on a Poetic Tradition from Archaic Greece to the Late Roman Empire*, eds. A. Cavarzere, A. Aloni and A. Barchiesi, 1–27. Lanham, MD.

Carey, C. 1986. Archilochus and Lycambes. *CQ* 36: 60–67.

Cobb-Stevens, V, T.J. Figueira and G. Nagy. 1985. Introduction. In Figueira & Nagy (1985) 1–8.

Collins, D. 2005. *Master of the Game: Competition and Performance in Greek Poetry.* Cambridge, MA.

de Vet, Th. 1996. The Joint Role of Orality and Literacy in the Composition, Transmission and Performance of the Homeric Texts: A Comparative View. *TAPhA* 126: 43–76.

Faraone, C. 2005. Catalogues, Priamels and Stanzaic Structure in Early Greek Elegy. *TAPhA* 135: forthcoming.

Faraone, C. 2006. Stanzic Structure and Responsion in the Elegiac Poetry of Tyrtaeus. *Mnemosyne* 59: forthcoming.

Faraone, C. forthcoming. *The Elegiac Stanza in Early Greek Poetry.*

about which the ancients agreed it was difficult to be certain'. For changes in the elegies of Tyrtaeus, probably caused by reperformances of these poems in classical Athens, see Faraone (2006).

Figueira, T.J. and G. Nagy, eds. 1985. *Theognis of Megara: Poetry and Polis.* Baltimore.

Figueira, T.J. 1985. The Theognidea and Megarian Society. In Figueira & Nagy (1985) 112–158.

Ford, A.L. 1985. The Seal of Theognis: The Politics of Authorship in Archaic Greece. In Figueira & Nagy (1985) 82–95.

Gentili, B. 1975. La giustizia del mare: Solone, fr. 11D., 12 West. Semiotica del concetto di *dike* in greco arcaico. *QUCC* 20: 159–162.

Gentili, B. and C. Prato. 1988. *Poetae Elegiaci. Testimonia et Fragmenta. Pars I.* Second corrected edition. Leipzig.

Gerber, D.E. 1999. *Greek Elegiac Poetry.* Loeb Classical Library Nr. 258. Cambridge, MA.

Gottesmann, A. 2005. Two Notes on Solon *fr.* 11W. *Mnemosyne* 58: 412–415.

Gronewald, M and R.W. Daniel. 2004. Ein neuer Sappho-papyrus. *ZPE* 147: 1–8.

Herrington, J. 1985. *Poetry into Drama: Early Tragedy and the Greek Poetic Tradition.* Berkeley.

Higbie, C. 1997. The Bones of a Hero, the Ashes of a Politician: Athens, Salamis, and the Usable Past. *CA* 16: 278–307.

Hignett, C. 1952. *A History of the Athenian Constitution to the End of the Fifth Century.* Oxford.

Holladay, J. 1977. The Followers of Peisistratus. *Greece & Rome* 24: 40–56.

How, W.W. and J. Wells. 1928. *A Commentary on Herodotus. Vol. 2.* Second corrected impression. Oxford.

Kantzios, I. 2005. *The Trajectory of Archaic Greek Trimeters.* Leiden.

Kassel, R. 1976. *Aristotelis Ars Rhetorica.* Berlin.

Kirk, G.S., J.E. Raven and M. Schofield. 1983. *The Presocratic Philosophers.* Second edition. Cambridge.

Knox, B.M.W. 1989. Solon. In *The Cambridge History of Classical Literature, Vol. 1, part 1*, eds. P.E. Easterling and E.J. Kenney, 105–112. Cambridge.

Lefkowitz, M.R. 1981. *The Lives of the Greek Poets.* Baltimore.

Linforth, I.M. 1919. *Solon the Athenian.* Berkeley.

Markwald, G. 1986. *Die Homerischen Epigramme: Sprachliche und inhaltliche Untersuchungen.* Königstein, Ts.

Martin, R.P. 1998. The Seven Sages as Performers of Wisdom. In *Cultural Poetics in Archaic Greece*, eds. C. Dougherty and L. Kurke, 108–128. Oxford.

Mülke, C. 2002. *Solons politische Elegien und Iamben: Einleitung, Text, Übersetzung, Kommentar.* Munich.

Nagy, G. 1983. Poet and Tyrant: *Theognidea* 39–52, 1081–1082b. *CA* 2: 82–91.

Nagy, G. 1985. Theognis and Megara: A Poet's Vision of His City. In Figueira & Nagy (1985) 22–81.

Nagy, G. 2004. *Homer's Text and Language.* Champaign, Il.

Noussia, M. 2001a. *Solone. Frammenti dell' opera poetica.* Milan.

Noussia, M. 2001b. Solon's Symposium (Frs. 32–34 and 36 Gentili-Prato^2 = 38–40 and 41 West^2). *CQ* 51: 353–359.

Opie, I. and P. Opie. 1952. *The Oxford Dictionary of Nursery Rhymes.* Second corrected reprint. Oxford.

Osborne, R. 1996. *Greece in the Making, 1200–479 BC.* London—New York.
Podlecki, A.J. 1984. *The Early Greek Poets and Their Times.* Vancouver.
Raaflaub, K. 1997. Legend or Historical Personality? Solon Reconsidered. In *Acta: First Panhellenic and International Conference on Ancient Greek Literature (23–26 May 1994)*, ed. J.-Th. Papademetriou, 97–117. Athens.
Parry, A. 1966. Have we Homer's *Iliad*? *YCS* 20: 177–216.
Rihll, T.E. 1989. Lawgivers and Tyrants (Solon Frr. 9–11 West). *CQ* 39: 277–286.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian* Athenaion Politeia. Oxford.
Rhys, E. 1931. *Mother Goose's Book of Nursery Rhymes and Songs.* Revised edition. London.
Rosen, R.M. 2004. Aristophanes' *Frogs* and the *Contest of Homer and Hesiod. TAPhA* 134: 295–322.
Slings, S.R. 1990. The I in personal archaic lyric. In *The Poet's I in Archaic Greek Lyric: Proceedings of a symposium held at the Vrije Universiteit Amsterdam*, ed. S.R. Slings, 1–30. Amsterdam.
Szegedy-Maszak, A. 1978. Legends of the Greek Lawgivers. *GRBS* 19: 199–209.
Taylor, M.C. 1997. *Salamis and the Salaminioi: The History of an Unofficial Athenian Demos.* Amsterdam.
Thomas, R. 1992. *Literacy and Orality in Ancient Greece.* Cambridge.
Von der Mühll, P. 1942. Antiker Historismus in Plutarchs Biographie des Solon. *Klio* 35: 89–102.
West, M.L. 1974. *Studies in Greek Elegy and Iambus.* Berlin.
West, M.L. 1992. *Iambi et Elegi Graeci, Vol. II.* Second edition. Oxford.
West, M.L. 2003. *Homeric Hymns, Homeric Apocrypha, Lives of Homer.* Loeb Classical Library Nr. 496. Cambridge, MA.

CHAPTER TWO

THE TRANSGRESSIVE ELEGY OF SOLON?

Elizabeth Irwin

Whether the title of this contribution raises some eyebrows, or the simple and definitive answer, 'no', a description of Solon's poetry as transgressive would not seem a natural one: transgressive is certainly not how we traditionally think of Solon, the sixth-century poet, member of the Seven Sages, the lawgiver said to have left Athens precisely to preserve the integrity of his laws, and the poet whose 'I' frequently declares himself to occupy the middle ground. How could he possibly be one to step out of bounds?[1]

But there are more pressing questions raised by the title: from what vantage point and by what criteria can such an evaluation of Solon's poetry be made? Is it to be judged solely on poetic criteria, through comparison with *epos* and contemporary elegists; or is it to be coupled with evaluations of his political career? And in either case the comparative framework implied by transgression turns the discussion to reception: assessing the transgressive quality of Solon's poetry entails not only our choices in composing the group of poets—and political actors—into which Solon is to be assimilated and against which judged, but also the choices of previous generations who have limited our capacity for comparison by having created the pool upon which we must draw. From such choices, ancient and modern, arise habits of evaluating Solon that, I will argue, threaten to desensitise modern readers to the startling quality his poetry may have had for (some) contemporary audiences.

The first prevalent modern "habit" attempts to keep aesthetic evaluations of Solon's poetry separate from evaluations of his political career. The scholarly manoeuvre is understandable: while no doubt in part replicating the separation of the modern disciplines of ancient history and philology, it is also largely the product of a well-founded critical response that attempts to extract Solon's poetry from the accretions of

[1] My thanks to Ewen Bowie, Felix Budelmann, Pat Easterling, Marco Fantuzzi, Johannes Haubold, Richard Hunter, and André Lardinois for helpful criticism on all or parts of this article, and to audiences in Cambridge and London.

the biographical and historical narratives which adhere to them. Yet the separation of politics and poetics comes at a cost to Solon's poetry. The *Companion to the Greek Lyric Poets* well demonstrates how this particular choice yields—almost inevitably—a negative appraisal of the poet. The Solon chapter begins: 'Solon is much more famous as a lawgiver than as a poet, but it is only the latter that will be emphasized here, except in so far as historical details need be introduced in order to understand his poetry'. It concludes: 'I began by saying that Solon is much more famous as a law-giver than as a poet, and I think it can be said that his undoubted importance as a historical figure and the political nature of much of his poetry … have contributed to an undeservedly low opinion of him as a poet. Often too his verses have been treated simply as historical sources, with little account taken of their poetic quality. It would certainly be unjustified to include him among poets of the first rank, but it is more unjustified to denigrate or ignore his poetic output'.[2] Here the author reluctantly assents to a low opinion of Solon the poet, but vacillates between attributing this evaluation to unfavourable comparison with an incomparable lawgiving career and his subject matter—politics—and admitting the worrying suspicion that were it not for Solon's political career, poetry of the quality of Solon's might never have survived.

On one level, such suspicion can easily be countered. While Solon's fragments manifestly reach us because of his significance as a historical figure, the causal link between his career and the survival of his fragments might be otherwise configured: the poetics of the politics expressed in his fragments may have played no small part in his political success, recapitulating, even as they enacted, the strategies of his political career as a whole. The attempt to separate politics from poetics not only undervalues absolutely what he may have achieved in his use of language, but also perhaps more importantly attempts a separation that would have been alien in Solon's contemporary archaic context. On another level, one might recognise how suspicion arises not so much owing to the quality of Solon's poetry, but rather to the

[2] Gerber (1997) 113–116: between Gerber's introduction and conclusion, Solon as poet is crucified: fr. 13 'rambles at times and the transitions are not always smooth', leaving 'the impression that Solon has not thought out fully what he wishes to say before he says it'; 'it is hard to disagree with those who disparage the poetic quality' of fr. 27, though a colleague is praised for his 'valiant effort to appreciate' the poem's 'full significance'; for similar evaluations cf. Fränkel (1962) 272–273, Spira (1981) 177.

particular choices made when marrying it up with history: it's precisely Gerber's belief that one can emphasize the poet without the politics—'except in so far as historical details need to be introduced in order to understand his poetry'—that results in the failure to appreciate their sophistication as political poetry.[3]

In contrast, the second, persistent, habit in evaluating Solon's poetry, the *Geistesgeschichte*, makes history a fundamental part of its interpretive framework. Here far from dubbing Solon transgressive, the characterisations of archaic elegy generated by this approach have had no problem placing Solon on an intellectual and political continuum culminating in the classical *polis*. The story of elegy goes something like this: Archilochus playfully rejects epic values by throwing away his shield, Tyrtaeus and Callinus more seriously recast the isolated heroic martial valour of Homeric epic into a patriotic ideal of dying on behalf of the fatherland. Solon extends the civic virtues beyond the martial to advocate a new ideal of justice, and by the end of the sixth-century a poet like Xenophanes can assert that his poetic *sophiê* is of more value to the city than the typical aristocratic values of victory in the games.[4]

In such a narrative Solon fits perfectly. If anything, it is the flagrantly sectional and aristocratic whinging going under the name of the poet Theognis that embarrassingly falls out of the bounds of this narrative, the exception proving the rule. He—or rather the corpus that goes under his name—is cast as a throwback (in certain respects not unlike Pindar), a peevish aristocrat standing against the tide of political progress.[5] But it is worth asking whether what Theognis in fact stands against is not rather the tide of a modern *narrative* of political progress in which elegy has been swept up, one which our sources, based on their own agenda, have made it convenient for scholars to construct.

Aesthetic evaluations of Solon attempt to place his poetry in a timeless and universal frame, *Geistesgeschichte* in a diachronic frame; in what follows, however, I want to place Solon in a synchronic frame, with

[3] For exceptions see the work of Vox (1983) and (1984), Loraux (1984) and Blaise (1995).

[4] See for instance Snell (1948) ch. 8; Jaeger (1966a) (1966b); see the comprehensive critical survey of this school by Fowler (1987) 1–13, 105–109, the astute comments of Slings (2000) 426–428, and Irwin (2005b) 22–29. For its continued influence on historical narratives see Murray (1993), Raaflaub (1993).

[5] Cf. Donlan (1999) ch. 3.

his contemporaries, to return to Solon's archaic reception, where I will show that the relationship between Solonian poetics and politics was not only an issue for his audiences, but also one far more contested and contestable than that suggested by the terms in which modern scholarship discusses it. The questions I want to explore are the following: can an evaluation of Solon's poetry be divorced from evaluation of his political career, and would such a division—even if possible—be desirable for those attempting to appreciate Solon's poetry in its archaic context? Can closer reading of Solon's poetry and the narratives around his life bring us nearer to appreciating the way Solon as political poet, poetic political actor, was heard by archaic audiences? And if so, might such closer readings of Solon's poetry generate alternative, transgressive, narratives of literary and political history?

I want to examine these questions, however, without losing an awareness of our dependence upon ancient reception, and in such a way as to respond to that reception in its own terms. In what follows I will consider three different kinds of examples taken from Solon's poetry that demonstrate how the figure of Solon may be read in a manner other than that championed by traditional scholarly and ancient accounts: the first belongs to a famous narrative of Solonian transgression and to the poet's biographical tradition, the *Salamis* (frs. 1–3); the next illustrates Solon's transgressive use of language in fr. 5, again in dialogue with the ancient accounts that record his fragments; and, finally, the third locates Solon among his contemporaries, demonstrating elegiac boundary disputes in which Solon seems, at least from some vantage points, to cross 'the line'—frs. 6, 13 and 4. From these three types of examples—ever-decreasing circles of reception taking us back finally to the archaic period itself—I will conclude by suggesting that Solon the transgressive elegist may be completely within the bounds of a different group of political poets for whom we have testimony but only few fragments, that of the archaic tyrants. What seems to some so moderate, measured about the poetry of Solon, may have had a very different sound for contemporary audiences, one I would argue more aggressively political and ambiguous than our staid and uncontroversial notion of what it means 'to stand in the middle'.

A Narrative of Transgression

I begin with an elegiac transgression from the outermost circle of reception, belonging to one of the most elaborate of narratives contextualising Solon's fragments,[6] and one, in the form it reaches us, greatly distanced from Solon's archaic context: the story of Solon's *Salamis*. Plutarch provides the fullest account:

> When those in the city were exhausted from a long and difficult war against the Megarians over the island of Salamis and they laid down a law that no one was to urge by motion or in speech that the city should assert its claim to Salamis, or they should suffer the penalty of death, Solon did not bear the ill-repute easily and saw that many of the young (νέοι) wanted an incitement to war, but they were not bold enough to start it themselves because of this law, so he feigned a leave of his senses, and a story was circulated in the city from his home that he was disturbed. And having composed some elegiacs in secret and having practiced so he could perform them from memory, he bounded into the agora very suddenly, wearing a *pilidion* on his head, and when a huge crowd (ὄχλος) had gathered, he leapt up on the herald's stone, and sang the elegy of which this is the beginning: 'A herald I come from lovely Salamis | composing a song, a marshalling of words, instead of a speech'.[7] This poem is entitled, *Salamis*, and it is composed of 100 very delightfully written lines. Then when it had been sung, and his friends (φίλοι) were beginning to praise him—Pisistratus especially incited the citizens and urged them to heed Solon's words—they rescinded the law and began war, placing Solon in charge.[8]

Plutarch tells of a Solon who is quite literally a transgressive elegist, composing and performing his elegy in public to communicate a sentiment whose expression was in defiance of the law. Separated from its events as it is by centuries and layers of reception, the story is rightly thought to be suspect: the "neatness" of the narrative—the lawgiver finding a ploy to defy the law—and the likelihood that it is just another biographical fiction constructed from the stance assumed by the 'I' of

[6] Of its '100 graceful lines', only eight are extant, two quoted by Plutarch, six by Diogenes Laertius (1.47).

[7] Fr. 1: αὐτὸς κῆρυξ ἦλθον ἀφ' ἱμερτῆς Σαλαμῖνος | κόσμον ἐπέων ᾠδὴν ἀντ' ἀγορῆς θέμενος.

[8] Plut. *Sol.* 8. For Athens' conflict with Megara over Salamis see Linforth (1918) 249–264, Martina (1968) 122–130, French (1957), Hopper (1961) 208–217, Piccirilli (1978), Rhodes (1981) 199–200 and 224, Taylor (1997) 21–47; Noussia (2001) 223–233 and Mülke (2002) 73–88. See Lardinois' contribution to this volume for scepticism about the authenticity of the *Salamis*, and Noussia's contribution to this volume for appropriate caution about the historical narrative around it.

the poem are enough to give one pause before ascribing any historical weight to this narrative.[9] And yet, even independent of whether the traditions recount an actual event—a historical "core"— the narrative nevertheless has a historical story to tell about ancient reception of Solonian poetics: it has become well recognised that the creation and preservation of biographical traditions around poets provide insights into ancient reception of that poet, particularly as such traditions are frequently derived from the poetry itself.[10] On this model, the story of Solon's *Salamis* may be interpreted as an ancient reading of Solon's poem, a reflection of how ancient audiences "heard" its political content (whether or not so encouraged by an historical exceptional first performance), and such a reading may well go back to a very early date and engage with a wider body of Solon's poetry than we possess.

What kind of reading of Solonian poetics, then, does the story about the *Salamis* give? The story makes literal the premise of a well-known type of elegy to which the *Salamis* certainly belonged: martial *paraenesis*.[11] The stirring command of fragment 3—'Let us go to Salamis to fight for a lovely island and push away bitter disgrace!'—places the *Salamis* firmly in the tradition best known from the poetry of Tyrtaeus and Callinus.[12] And yet, at the level of ancient reception the political dimension of this exhortation of Solon is articulated far differently than, for instance, that of Tyrtaeus. While the fourth-century Lycurgus (*Leocrates* 107) may recall how the early Spartans placed such a high value on Tyrtaeus, making a law that his poetry be recited on campaign, 'believing that in this way they would be most willing to die on behalf of their fatherland', Solon's elegiac exhortations in this poem

[9] On the historicity of the performance see Tedeschi (1982) 33–46. Poetic fiction has been the more popular view since Bowie (1986) 18–21 (*contra* West 1974, 12) and Lefkowitz (1981) on the poets' lives. But more recent work is willing to entertain at least the *possibility* of such a performance: Stehle (1997) 61–63, Kurke (1999) 26 n. 64, Mülke (2002) 74–75.

[10] See most recently, in relation to Homer, Graziosi (2002) with bibliography. For Archilochus, see Nagy (1979) 242–253 and Irwin (1998). A version of this argument, connecting Solon to Odysseus, appears in Irwin (2005b) 132–142.

[11] See, for instance, Arch. 3, 7a, Tyr. 10, 11, 12, Callin. 1, Mimn. 14, Sol. 1–3, Thgn. 549–554 with Bowie (1986) 15–16; Bowie (1990) 222; Irwin (2005b) chs. 1 and 2.

[12] ἴομεν ἐς Σαλαμῖνα μαχησόμενοι περὶ νήσου | ἱμερτῆς χαλεπόν τ' αἶσχος ἀπωσόμενοι. Polyaenus calls the poem Ἀρήϊα ᾄσματα ('songs of Ares') with which Solon ἤγειρεν Ἀθηναίους ἐπὶ τὴν μάχην ('roused the Athenians to battle', 1.20.1). For Solon 1–3 as elegiac paraenesis see also Gerber (1997) 100; Robertson (1998) 301; Mülke (2002) 73, 76. On the rhetorical stance adopted in this poem see Noussia's contribution to this volume.

find themselves embedded in an elaborate ancient account of a very different nature, and in particular one involving cunning.[13] This difference at the level of ancient reception of Solon's *Salamis* is suggestive and encourages closer analysis of the narrative for possible indications of what ancient audiences felt Solon had done with this genre.

The Salamis narrative at once identifies Solon's poem with a traditional form of elegy at the same time as it reveals discontinuities with that tradition. On the one hand, there clearly is generic continuity: the *Salamis* belongs to martial *paraenesis*, and Solon's alleged part in this affair does suggest certain elements characteristic of martial exhortation elegy and its sympotic performance. Plutarch names the νέοι as the group initially intent on war, and later he speaks of the instrumentality of Solon's φίλοι in inciting the πολῖται to war. νέοι (typically the addressees of exhortation elegy) and φίλοι belong to sectional language (particularly in contrast to the civic grouping, πολῖται), and name the typical participants in the symposium.[14]

And yet, the *al fresco* performance suggests generic discontinuity: the performance of the *Salamis* in the agora, whether as poetic fiction or an actual event, provides a contrast to the typical performance context of elegy, and it is clear that this feature of the story was both crucial and considered unusual. The story in fact localises the insanity in the agora, that is, in the performance context of the poem.[15] Diogenes Laertius is telling in this regard. He omits the detail of the πιλίδιον, saying rather that Solon rushed into the agora garlanded (οὗτος μαίνεσθαι προσποιησάμενος καὶ στεφανωσάμενος εἰσέπαισεν εἰς τὴν ἀγοράν, '[Solon] pretending to be mad leapt garlanded into the agora', 1.46), thus portraying a Solon bearing the accoutrements of the symposium while also singing its verses.[16] The singing in the agora of

[13] For reference to the "performance" of Solon's martial exhortation in fourth-century oratory contrast the criticism implicit in Demosthenes 19.255 (cf. Cicero *de Off.* 1.30.108, for whom Solon's stunt was a *versutum et callidum factum*, but excusable as done for the good of the state). On fourth-century reception of Solon see Hansen (1989) and Thomas (1994).

[14] For νέοι of sympotic elegy see Callin. 1.2, Tyr. 10.15, 11.10, Thgn. 241, 1168a (cf. the sympotic setting of 1320 and 1354) and Slings (2000) 412; on sympotic φίλοι see Donlan (1983).

[15] As Lowry (1991) 168 observes, the several versions localise the insanity in the agora, no doubt due at least in part to the phrase ἀντ' ἀγορῆς in fr. 1; see also Noussia (2001) 226 and 231, and Mülke (2002) 74–75 and 81–82. Cf. Lefkowitz (1981) 40.

[16] The assumption of roles—like the herald, who shares with symposiasts the accoutrement of the garland—is another feature of sympotic poetry and behaviour: see, for

this exhortation elegy suggests then a travesty of performance context. In using the term ὄχλος ('throng') for the target of this exhortation, Plutarch emphasises, somewhat derogatorily, the general audience of this exhortation: they are not the φίλοι of the symposium.

Taken as a whole, the story surrounding the *Salamis* portrays Solon as participating in the conventions of martial exhortation elegy, but also as transgressing the boundaries of its appropriate context and audience, literal or metaphorical. But if the poem was only ever composed for sympotic performance, then as a reading of the poem the story suggests the poem transgressed the boundaries of content—that is, in some sense bringing Plutarch's *ochlos* into the symposium[17]—a transgression to which we will return in our next examples. Regardless of its historicity (or lack of it) the detail of the law is telling: as such it articulates the concept of social restraint, attempting to silence that which in the logic of the story is in fact the content of the *Salamis*; but content may be defined as not only the measures advocated by the poem—war over Salamis—but, perhaps more threatening, the audience implied by the poem (whether actualised by *al fresco* performance, or not). The story narrates Solon's transgression, an extension, of the boundaries of sympotic elegy, not by the use of elegy to exhort men to fight—this was common to elegy—but by the choice of audience.

As a reading of Solonian martial elegy what the story narrates is pretty clear: transgression, both legal (a broken law), and social (madness and deception), locating the site of this transgression in the agora. The question remains, was this "first" performance in the agora actual or a fiction, a sympotic performance in public or a public harangue at the symposium? But the answer becomes less urgent if the question is re-formulated: did subsequent sympotic reperformances of the *Salamis* also recall a historical event (which may or may not have been witnessed by subsequent symposiasts who sing and enjoy the poem) or did they partake in an elaborate fiction, initiated by the poem, and willingly fostered by audiences to the extent of endowing it with historical status, a retrojection based on the events that the poem could *seem* successfully

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example, Thgn. 257–260, 579–580, 861–864, Alc. 10B, Anacr. 40 (385 PMG) and Bowie (1986) 16–20. For a comic scene that similarly conflates the connotations of the garland see Ar. *Eccl.* 131–133.

[17] This issue would become more pointed if French (1957) 241–242 and Hopper (1961) 214–216 are correct in assessing the war to be popular, intended to undermine those exporting grain to Megara.

to have effected? In this latter case, the poem need not lose its political content: whether that first "performance" was actual or fictional, its significance for understanding Solonian politics and poetics would, at least in its broad strokes, remain unaffected.

Transgression and its Variants

In this section, I move closer to Solon's poetry and isolate one example of Solon's transgressive use of traditional language. Although assessing the exact degree of transgression will remain elusive, the poetics nevertheless evoke a politics more radical than a middling lawgiver. I turn to Solon 5:

> δήμωι μὲν γὰρ ἔδωκα τόσον γέρας ὅσσον ἐπαρκεῖν,
>   τιμῆς οὔτ' ἀφελὼν οὔτ' ἐπορεξάμενος·
> οἳ δ' εἶχον δύναμιν καὶ χρήμασιν ἦσαν ἀγητοί,
>   καὶ τοῖς ἐφρασάμην μηδὲν ἀεικὲς ἔχειν·
> ἔστην δ' ἀμφιβαλὼν κρατερὸν σάκος ἀμφοτέροισι,
>   νικᾶν δ' οὐκ εἴασ' οὐδετέρους ἀδίκως.[18]

> To the *dêmos* I gave so much privilege as to suffice, neither taking away their honour, nor ἐπορεξάμενος.[19] And those who held power and were splendid in their wealth, I contrived that they suffer nothing unseemly. And I stood throwing a strong shield over both sides and I allowed neither side to win unjustly.

This is one of the several poems in which Solon claims a middle ground, and in line with traditional evaluations of Solon's career the content appears uncontroversial. I choose it precisely to examine the kind of middle that Solon claims. Solon's middle is not a fixed point,

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[18] Quoted by Plutarch *Sol.* 18.5 and [Arist.] *Ath. Pol.* 11.2–12.1. Plutarch has κράτος and ἐπαρκεῖ (ἐπαρκεῖν Brunck, defended by West 1974, 180) instead of the *Ath. Pol.*'s γέρας and ἀπαρκ̣ε̣ῖ; for recent discussion of the textual problems see Mülke (2002) 185–187.

[19] The translation of ἐπορεξάμενος poses problems. Most place it in opposition to ἀφελῶν, 'nor offering them more' (Linforth 1918, 135, *contra* his own note, 180; Gerber 1970, 134; West 1993, 75; Miller 1996, 67; Noussia 2001, 269; Mülke 2002, 187–188), but Rhodes (1981) 172, citing Lloyd-Jones, may be right that the normal meaning of the word in the middle should be 'reach out for', in which case the contrast with ἀφελών is not understood as one of 'taking' and 'giving', but rather in 'stripping the *dêmos* of τιμή' and 'taking τιμή for oneself' (cf. Mülke 2002, 188), the latter possibly an élite accusation of why a figure 'gives' τιμή to the *dêmos* in the first place. Politically much is at stake in how these lines are interpreted, as Aristotle and Plutarch show, and therefore their ambiguity will be discussed below.

nor one with an existence independent of the efforts through which he asserts to have created it, maintaining boundaries in defiance of opposing sides whose totalising claims would deny any territory to the other.[20]

With this example we are made all too aware of reception: our two sources for this poem, Plutarch and Aristotle, show precisely the difficulties of describing the Solonian middle, or alternatively how flexible his middle could be for later audiences. Plutarch uses fr. 5 to substantiate the extremely democratic claim that Solon meant the popular court to become supreme, thus effecting a significant transferral of power to the *dêmos*, and indeed as he quotes the verses γέρας has been replaced by κράτος.[21] In contrast, Aristotle uses the same verses to emphasise Solon's neutrality, his position in the middle.[22] How these diverse "middles" arise from Solon's poem is worth closer attention.

At first glance, Aristotle's view is more obviously palatable given the content of the fragment as a whole. Following him, one may read τόσον γέρας as an important limiting phrase. Scholars must implicitly follow this interpretation when they translate ἐπορεξάμενος as opposing ἀφελών, in the sense of 'offering' as opposed to 'taking'.[23] Such a view can be made to fit with Solon's fantastic martial metaphor of lines 5–6 in which he describes himself as occupying a place between groups, and fits the image he cultivates in other fragments.[24] In contrast, the interpretation recorded by Plutarch, as well as the appearance of κράτος for γέρας, may suggest the active reinvention of tradition whereby Solon and his poetry, seemingly less radical than desired by those appropriating him as proto-democratic leader, were adapted to provide a precedent for current democratic practice.[25]

And yet, Plutarch's association of this fragment with Solon's adaptation of the courts is so forced that one might on those grounds alone be reluctant to dismiss his interpretation of the passage completely. Indeed, further investigation muddies the waters. The modifying of γέρας with τόσος cannot support translating ἐπορεξάμενος as 'adding' or 'offering'.

[20] Anything written on this fragment must remain but a footnote to the magisterial piece of Loraux (1984). A version of the following argument appears in Irwin (2005b) 230–237.

[21] Plut. *Sol.* 18.5.

[22] *Ath. Pol.* 11.2–12.1.

[23] See n. 19.

[24] Cf. frs. 36, 37.

[25] On this process, and the likely classical date of the substitution, see Lardinois in this volume; cf. Blaise's contribution to this volume.

Judged from Herodotus at least, τόσος and τοῖος seem in speeches in which monarchs confer honours always to accompany γέρας not in order to imply a negative sense of limitation or restraint but rather in order to express positively how apt the honours they bestow truly are.[26] How one takes the participle and understands the adjective τόσον will place Solon at different edges of the middle, and while modern commentators generally accept Aristotle's reading, the conflict between, respectively, ancient readings of γέρας and κράτος, and modern construals of ἐπορεξάμενος, serves to articulate how precarious the position between extremes is, pointing us to the very strategy of the poem itself in which the 'I' flirts with the extremes to create its existence, threatening each with the reminder that their existence is predicated upon his: without a middle either one or the other side would cease to exist.

So much for later ancient and modern readings: but how far did these conflicts in understanding the politics of Solon 5 extend to the experience of original audiences encountering the poem? Was their experience of its lines the moderation to which Aristotle responds and modern commentators follow, or did they sense something of what Plutarch's account suggests?[27] To assess the archaic reception of Solon's lines, and their politics, one must examine more closely both the claim to give γέρας to the *dêmos*, and the 'I' implied by one who performs this act: the middle occupied by this claim and the 'I' who utters it may emerge as far more radical in its sixth-century context, and the poetics of this utterance far more sophisticated.

Though emphases vary, no modern commentator has overlooked the startling quality of Solon's assertion in line 1: from a poetic perspective to speak of the *dêmos* as recipient of the γέρας and τιμή is nothing less than a travesty of heroic language.[28] Epic and didactic texts concur: these concepts represent the honour and status, material and otherwise, allotted to special individuals or categories of individuals. τιμή and γέρας denote that which is allotted to the various immortals in the

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[26] 7.29.2, 3.142.4; cf. Achilles' promise to Patroclus in *Il.* 24.595 (ὅσσ' ἐπέοικεν).

[27] This is despite the fact that the reading κράτος seems less likely than γέρας, though Solon was not averse to a poetics of political κράτος, see fr. 36.15 with Loraux (1984) 214.

[28] See, for instance, Linforth (1918) 180, Anhalt (1993) 100–101, Balot (2001) 87–88, Noussia (2001) 268–269, Mülke (2002) 184–185. Solon's use of τιμή is perhaps less startling as a term applied to all social groups in Homer, but it is nevertheless principally an aristocratic concept as Mülke well notes; see also Ulf (1990) 4–12.

Theogony, and both the *Odyssey* and the *Works and Days* emphasise the association of γέρας with kingly honours.[29]

The archaic appearance of γέρας most comparable with Solon 5 demonstrates just how radical Solon's language is. In *Odyssey* 7.147–150, Odysseus supplicates Arete while calling on the goodwill of the other feasters:

> σόν τε πόσιν σά τε γούναθ' ἱκάνω πολλὰ μογήσας,
> τούσδε τε δαιτυμόνας, τοῖσιν θεοὶ ὄλβια δοῖεν
> ζωέμεναι, καὶ παισίν ἐπιτρέψειεν ἕκαστος
> κτήματ' ἐνὶ μεγάροισι γέρας θ' ὅ τι δῆμος ἔδωκεν.

> Having endured much hardship, I approach your husband and your knees in supplication, and these feasters, too; may the gods grant it to them to live in prosperity, and may each leave to his own children the possessions he holds in his halls and the honour that the *dêmos* has granted him.

Although elsewhere in Homeric epic the appearance of *dêmos* in any connection with γέρας is apparently unparalleled, it does however foreground what the other uses of γέρας imply: while the *dêmos* may be the dispensers of γέρας, they are certainly never the recipients, the category of which includes rather warriors, kings, and gods.[30]

Even in fifth-century prose, the word γέρας maintains its elevated status. Herodotus uses γέρας most frequently in the context of the power of monarchic rulers, whether describing what they receive or possess, or what they may choose to bestow. It is also common in denoting honours for those distinguished in martial prowess.[31] Thucydides, on the other hand, is characteristically sparing with this apparently still poetically charged word. He uses it only three times in elevated and somewhat archaising contexts.[32]

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[29] *Od.* 7.10, 150, 11.175, 184, 15.522. The only appearance of γέρας in Hes. *Op.* is line 126, καὶ τοῦτο γέρας βασιλήιον ἔσχον ('and they hold this kingly right'), used of those of the Golden Age to describe their final elevated status.

[30] On the relationship in terms of governance between princes and the people see van Wees (1992) 31–36.

[31] Of monarchs (kings or tyrants) possessing: Hdt. 3.85.1, 4.162.2, 4.165.1, 6.56, 6.57.5, 7.3.3, 7.104.2; an ambiguous tyrant requesting 3.142.4 (*cf.* priests 7.154.1). Of monarchs granting: 4.143.1, 7.29.2, 1.114.2. In relation to martial prowess: 2.168.1 (Egyptian warrior class), 8.125, 9.26.5, 9.27. It also appears in the context of hereditary honours: 7.134.1. For language similar to Solon 5.1–2 see Demaratus' description of the Spartans as οἵ με τιμήν τε καὶ γέρεα ἀπελόμενοι (7.104.2); cf. Diog. Laert. 1.53.

[32] Thuc. 1.13.15, 1.25.17, 3.58.13.

Comparison with Solon's poetic predecessors and even fifth-century prose reveal as drastic his claim to transfer typically heroic, and therefore to a certain extent coextensively aristocratic, honours to a different entity, the *dêmos*. One looks in vain for comparisons in other elegists. If we limit ourselves to the *dêmos* in archaic elegy, it is clear that Solon's poetry far outstrips the other poets in the frequency and quality of its appearances. In other elegists the *dêmos* appears overwhelmingly in negative contexts,[33] which make a critical evaluation of the *dêmos* or refer to the *dêmos*' own capacity to pass negative judgment; the favourite adjective of Theognis for the *dêmos* is 'empty-headed' (κενεόφρων).[34] While the various elegists have themes in common involving the *dêmos*, aspects of Solon's treatment—and indeed Solon's 'I'—stand alone and suggest again transgression of traditional elegiac, that is also to say sympotic, norms: in his *Eunomia* (fr. 4), for instance, he takes a stand against the ills suffered by the *dêmos* at the hands of citizens, characterising their excesses and wrong-doings as associated with the symposium.[35]

Solon's treatment of the *dêmos* in fr. 5 is seemingly unparalleled in extant archaic poetry, again raising the conjoined questions of how contemporaries would have contextualised Solon's claim and of what choices we make in attempting our own contextualisations of this fragment. If one turns from archaic poets, there are striking analogies to be found in the realm of popular politics—radical politics—for the claim to give *geras* to the *dêmos*, and they are found in contexts implicitly or explicitly tyrannical. Solon's appropriation of élite language in connection with the *dêmos* is most comparable with Herodotus' formulation of the political manoeuvre attributed to Cleisthenes, that of making the *dêmos* part of his *hetaireia*, a manoeuvre that Herodotus couches in a narrative implicitly drawing out the similarities between Cleisthenes of Athens and his tyrannical grandfather.[36] Meanwhile the clos-

[33] Even in those who some might place in an anti-aristocratic tradition, like Archilochus: on this tradition see Donlan (1973) and Griffiths (1995).

[34] See Arch. 14, Callin. 1.16, Thgn. 233, 847, 947–948. On the complex treatment of the *dêmos* in Tyrtaeus 4.5–9 see Andrewes (1938) 94, Cartledge (1980) 102, Meier (1998) 201–205 ('fiktiv κράτος des Damos'), van Wees (1999) 23–24.

[35] See the κόρος, δαίς and εὐφροσύναι of lines 4.8–10, with parallels in Mülke (2002) 116–118; the συνόδοι and φίλοι of lines 4.21–22. For a complete text with translation of this poem, see the Appendix to this volume. One might also contrast Solonian and Tyrtaean conceptions of *Eunomia* and the relation of the *dêmos* to its workings; see Irwin (2005b) 110, 191–193 and van Wees (1999) 23–24.

[36] Hdt. 5.66.2: '[Cleisthenes and Isagoras] contended for political power, and when Cleisthenes was defeated he made the *dêmos* part of his *hetaireia*' (τὸν δῆμον προσεται-

est poetic analogy with Solon's formulation—and composed closer in time—comes in Pindar's *Pythian* 1, a political poem which simultaneously celebrates the tyrant and the foundation of his new city: δᾶμον γεραίρων τράποι σύμφωνον ἐς ἡσυχίαν ('conferring *geras* on the people may he guide them into harmonious peace', 70–71). But before exploring what these *comparanda* might mean we should return to Solon's own context for his claim, the rest of fragment 5.

It is not only the failure to find parallels for Solon's use of *geras* in poets earlier and contemporary with Solon that suggests travesty, but the poem itself that reveals as much: that is, in spite of its ostensible assertion that its 'I' enforced balance and moderation, the strength of the claim suggests an attempt to refute a counter-claim (whether with or without basis), that Solon's middle was not, or might not have appeared to all as, dead centre. Consider the structure: the first couplet makes a claim for the benefits reaped by the *dêmos*, the second for unpleasantness averted from those of high station. Solon completes the poem with himself and the famous image of the shield, emphasising apparent impartiality through ἀμφοτέροισι and οὐδετέρους. Epic imagery pervades the poem: the *dêmos* gets γέρας and τιμή, usually the privilege of the élite; the wealthy avoid what is ἀεικές, an adjective used to describe slavery as in Solon 4 and 36.13, that is, the usual lot of the poor; finally, Solon carries a κρατερὸν σάκος, allowing neither side νικᾶν … ἀδίκως. The careful balance of couplets further articulates the message of the poem.

The balance of the poem is extremely fine, yet almost aggressively so: the extent to which the structure of the poem strives to maintain that balance gestures towards the volatility lying at the heart of the (need to make the) claim itself. But is it the volatility that arises from each side's competing demands—the reading the 'I' seems to encourage—or may it rather be understood—contrary to the attempts of the 'I' to control its own reception—as a consequence of the kind of middle the 'I' has chosen to occupy?

In answer to that one might pursue the questions that the poem's structure seems to exclude: the equivalences and equivocations of the 'I' and the balance it claims to have maintained. The claim of the speaker to have transferred γέρας not to himself, but to the *dêmos*, suggests a strategy of mystification regarding where power actually resides:

ρίζεται). On Herodotus' emphasis on Cleisthenes' imitation of his tyrannical namesake see 5.67.1, 69.1–2 and Munson (2001) 52–59; see also Irwin (2005a) 65.

in making such a claim one linguistically alienates power from oneself while ensuring one's own role as the guarantor of this transfer, a strategy more characteristic in narratives of tyrants than lawgivers, reminding us that the passages most comparable to Solon 5, in Pindar and Herodotus, come from tyrannical narratives.[37] Likewise, the balance the 'I' asserts to have maintained also seems more ambiguous on closer inspection: how far does the adverb ἀδίκως allow for the possibility (or sustain the hope) of one side's νίκη? Can it be entirely neutral to use epic language in conjunction with the *dêmos* as if it were an epic individual?

But if on closer examination the platform adopted in the poem begins to incline toward the tyrant's, it may arguably indicate a linguistic strategy rather than necessarily a political one, although employing such a linguistic manoeuvre may carry consequences in its train. As a linguistic strategy, it is sophisticated: if the rhetoric of the poem succeeds, the two audiences implied by the poem would have believed their interests to (have) be(en) forwarded by the 'I'. To those more conservative—an élite—emphasis would fall on the poem's balance, both structural and political: the 'I' adopts a startling, even tyrannical, platform only to subvert it by the context in which it is claimed, enabling the desires of the opposition to be assimilated and thereby subdued. To those more radical—the *polloi* or the wider *dêmos* - the emphasis would instead be reversed: the participation in tyrannical or demagogic discourse would be what was heard, with the balance of the poem being merely the necessary sugar to make go down more easily their own medicine for social illness. From either perspective, the 'I' is "compromised", but in a manner pleasing to all sides (and possibly one that each believed to be at the expense of the other).[38]

Of course, where to locate Solon's actual politics between the tyrannical discourse of the poem and its containing structure is a question left usefully unanswered by the poem—studied ambiguity pervades its claim. But of course to detractors on either side, the 'I' *was* compromised (more than even it may have wished to appear), pleasing only

[37] The paradox of alienating power as the means of acquiring it illustrates the complicity of leader and led: δῆμος and political leader are mutually dependent in establishing the basis for and means of articulating their own political identity and power. See Connor (1987) and McGlew (1993) 4–5 and *passim*.

[38] For the explicit recognition of politically deceptive language in this period see Solon 11. See also Plut. *Sol.* 15. Blaise (1995) provides an analysis of fr. 36 that very much complements the interpretation of the politics of Solon's poetics given here.

itself at the expense of each: for one group, compromised by engaging in such discourse; for the other, by the diluted form in which it chose to present it. But whether or not the poem succeeded with contemporary audiences on its own terms, on another level its success is manifest: Solon may have participated in tyrannical discourse and perhaps even the politics behind it, but this is not how he has come to be remembered, thanks in no small part to the efforts of his own anti-tyrannical poetry and later centuries reception of it.[39]

Of course, there are many aspects to the story of the reception of Solon. Given the course of Athenian politics it is no accident that such fragments concerning the *dêmos* should survive,[40] raising the concern that a characterisation of Solon's poetry generated by comparison with the extant fragments of other elegists will inevitably be a distorted one. But later Athenian politics cuts both ways: given the fifth-century attitude to tyranny it is no accident that the Solon remembered was no tyrant, and therefore it is certainly worth highlighting where the evidence challenges that characterisation. Here now I want to turn to a final kind of example that brings us as close as is possible to archaic reception of Solon's poetry, that of elegiac boundary disputes.

Elegiac Boundary Disputes

This final set of examples allows us to get closest to contemporary reception of Solon's poetry. I maintain that the fragments of other elegists provide guidance on how to situate Solon in his elegiac and cultural context. For the purposes of this discussion I will focus on the elegy that goes under the name of Theognis, first looking at those fragments that have been attributed both to Solon and Theognis, and then moving to a consideration of the intertextuality between Theognis 39–52 and Solon 4.[41]

[39] Compare fr. 32, with Irwin (2005b) ch. 7. For an anecdote attributing concern to Solon over his future reception as a tyrant see Plut. *Sol.* 14.7–8 on Pittacus who represents a contemporary (and for Solon possibly even admonitory) example of the vicissitudes of reception experienced by exceptional archaic political figures (particularly as influenced by poetry), and of the complexities of attempting to construct a strict taxonomy of the varieties of autocratic figures in the archaic period. On these issues see Romer (1982); cf. Pleket (1969) 22–24, Parker (1998) 169. On the similarities in the careers of Pittacus and Solon see Romer (1982) 37–38, Pleket (1969) 40, 48, White (1955) 2.

[40] If not also manufactured: see Stehle's and Lardinois' contributions to this volume.

[41] For comparison of Solon with other elegists, see Irwin (2005b) 96–111 and 191–193.

Nine passages of the *Theognidea* are repetitions of, or variations on, lines attributed elsewhere to other archaic poets; of these an overwhelming five are also attributed to Solon, and raise the question of how one should account for their presence in the collection of fragments that go under the name of Theognis.[42] While the most recent edition of the elegists responds to these variations as the consequence of transmission—textual corruption, transposition, and misattribution—such a narrowly philological approach is not always adequate.[43] One may consider the problems thrown up by Solon 13.65–70/Theognis 585–590. The text of Solon transmitted in Stobaeus reads:

πᾶσι δέ τοι κίνδυνος ἐπ' ἔργμασιν, οὐδέ τις οἶδεν
  πῆι μέλλει σχήσειν χρήματος ἀρχομένου·
ἀλλ' ὁ μὲν εὖ ἔρδειν πειρώμενος οὐ προνοήσας
  ἐς μεγάλην ἄτην καὶ χαλεπὴν ἔπεσεν,
τῶι δὲ κακῶς ἔρδοντι θεὸς περὶ πάντα δίδωσιν
  συντυχίην ἀγαθήν, ἔκλυσιν ἀφροσύνης.

But indeed risk adheres in acts, and no one knows in what way things are going to tend when once a matter begins. The man attempting to do well inadvertently falls into great and intractable ruin, but to the one acting badly the god gives good fortune in all matters, an escape from his foolishness.

Theognis 585–590 are nearly identical, barring the most striking changes of εὐδοκιμεῖν in place of εὖ ἔρδειν, καλῶς (*v. l.* καλόν) ποιεῦντι for κακῶς ἔρδοντι. West emends καλῶς of Theognis 589 to κακῶς,[44] presumably acting on the strength of the Solonian tradition, and deriving support from the ease with which κακῶς might be corrupted to καλῶς when supported by later moralizing tendencies loath to have the gods presented as responsible for allowing a κακῶς ποιεῦν to prosper.

But not all have responded to the differences as errors of transmission,[45] raising important questions about the use of a Solonian 'prece-

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[42] Solon: Thgn. 153–154/Solon 6.3–4; Thgn. 227–232/Solon 13.71–76; Thgn. 315–318/Solon 15; Thgn.1253–1254/Solon 23; Thgn. 585–590/Solon 13.65–70; Thgn. 719–728/Solon 24. Mimnermus: Thgn. 795–796/Mimn. 12; Thgn. 1017–1022/Mimn. 5.1–6. Tyrtaeus: Thgn. 1003–1006/Tyr. 12.13–16; Thgn. 933–938/Tyr. 12.35–42. See Nagy (1983) and (1985) 46–51. I agree with him that the term "Theognidean doublets" should also be applied to these fragments of double attribution.

[43] West (1989) and (1992); Gerber's Loeb edition (1999) follows suit. For discussion of this position see Carrière (1948a) 64–78.

[44] The emendation goes back to Camerarius. West supplies no defence in his *Studies* (1974) (cf. instead Hudson-Williams 1910, 46–47)—even seeming to defy his own general warning (60). Young's Teubner edition (1971), however, retains καλῶς.

[45] See Harrison (1902) 105–106, Highbarger (1929) 347–348, Groningen (1966) 231–

dent' as grounds for emendation and about the status of these Theognidean verses as poems in their own right. Even without the variations, one might suspect that the apparent similarity of the verses may be belied by the vastly different contexts in which these lines find themselves couched: Solon's κακῶς appears toward the very end of a 76-line poem and therefore must be understood within an extended argument, while the *Theognidea*'s formulation is presented as an apparently self-contained six-line poem whose difference in logic is underscored by the use of εὐδοκιμεῖν in the position of Solon's εὖ ἔρδειν.[46] Solon's juxtaposition of the man 'trying to act well' and the one 'acting badly' provides the penultimate element of an argument at once recognising that there seems no obvious positive correlation between the possession of wealth/success and moral behaviour, and yet nevertheless championing the view that sooner or later excessive (and particularly ill-gotten) wealth will have its consequences.[47] In contrast, the transmitted Theognidean lines have a coherence of their own: whereas Solon's catalogue of occupations immediately preceding these lines introduces some ambiguity into the interpretation of the adverbs εὖ and κακῶς, their counterparts in Theognis are most easily understood in their moral sense.[48] Moreover, the version of the *Theognidea* presents a different pair—the one 'trying to have good repute' and one 'behaving well'—with the implication that a person's success will provide an indication of the actual existence, rather than appearance, of true moral character in the one prospering, and perhaps also functions as a word of warning to the socially aspirant.

Granted, the dichotomy of seeming and being suggested by καλῶς—seemingly more at home to a fifth-century audience—might argue for

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233, Mülke (2002) 315. See also Noussia (2001) 216–217, whose sympotic explanation for this variant correspond to the interpretation I will argue below.

[46] Whether Theognis' lines truly constituted a six-line poem is besides the point: excerptors and presumably symposiasts could treat it as such. On δέ presenting no obstacle to the start of a poem, see Reitzenstein (1983) 45–86, Denniston (1950) 172–173, Campbell (1982) 140–141 and below n. 83.

[47] Nesselrath (1992) provides the most coherent analysis of the unity of the poem; see Maurach (1983) for a survey of scholarship on this poem.

[48] On the lack of scholarly consensus in interpreting Solon's adverbs see Mülke (2002) 316–317: *pace* Mülke, to dismiss *entirely* the moral connotations of κακῶς is to privilege too much the middle section of the poem at the expense of the its beginning and its end anticipated by these lines (i.e. τεισομένην with Mülke 2002, 326–327). More fruitful is to pursue the function such ambiguities may have had in Solon's appeal to different audiences.

an earlier (sixth-century) version of Theognis reading κακῶς.[49] But such a consideration only raises a further question of where emendation is to stop: could a sixth-century poem really have contained εὐδοκιμεῖν when not even εὐδοκιμός is attested until well into the fifth century?[50] But a more basic question, and one of greater interest for the present discussion, is this: at what point should one recognise these variants as not simply the problem of transmission, but as constituting a different composition—in this case, one that appears to articulate a competing attitude on the relationship between success and moral behaviour, and the involvement of the gods in their dual roles as providers of ἀγαθά and guarantors of δίκη?

In contrast to West, Nagy has argued that the variations have more to do with the workings of oral poetry;[51] for him the phraseological variants reflect the ongoing process of what he follows Lord in calling 'recomposition-in-performance'.[52] Given the circumstances of sympotic performance and the obviously highly formulaic quality of extant elegy, Nagy's view must be right.[53] One might, however, slightly reformulate his position to get past origins, and therefore past an emphasis on the *ad hoc* variations attributable to ephemeral sympotic performance that sit so ill with the fact that these variants did survive to be transmitted. I would stress instead that these versions represent variant performance *traditions*: however they originated and whichever version had precedence, variations did come about, in some cases no doubt intentionally; moreover, due to what each version had to express (and no doubt due in part to the relationship they had to each another) they retained sufficient currency in sympotic performance and beyond to become preserved in a written form. Such a position shifts the focus

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[49] See Hudson-Williams (1910) 214–215 on καλῶς as a 'popular revision' by a later moralist wishing to compare the ambitious and virtuous man; for a response to this view see Highbarger (1929) 347 n. 18.

[50] The adjective appears first in Aes. *Pers.* 858 and not again until later fifth-century texts when εὐδοκιμεῖν first appears; Hudson-Williams (1910) 215 finds it suspect; cf. Harrison (1902) 105. This *Theognidean* passage may well belong to a period later than Theognis (appearing among what West and others consider the *excerpta deteriora*); it is worth however noting that the view expressed in the Solonian verses themselves already constitutes a startling departure from Hesiod; see Solmsen (1948) 109–110 with n. 14.

[51] Nagy (1983) 88–89; (1985) 46–51.

[52] Lord (1960), esp. 13–29.

[53] On this feature of elegy see Giannini (1973); on sympotic performance, particularly the practice of "capping" see West (1974) 14–18, Stehle (1997) 221–222, Węcowski (2000) 351, Ford (1999), Osborne (2001) 53. Cf. Allen (1905) 389. See now Collins (2004), esp. 115–124 on the Theognidean doublets.

from sympotic poets to its participants, and frees one from the need to assert an authentic version and a corresponding flow of influence.[54] While one text was likely to have known the other, once in circulation the continued existence of both may be seen not only as representing the choice (conscious or inadvertent) available to each symposiast when it was his turn to sing, but also as reflecting in some cases the underlying contests—social and political—that generated these variations.[55]

I make two basic assumptions in what follows. First, that variations in expression, however small, may correspond to some variation in meaning, or at least in rhetorical force. This I find relatively unproblematic: if different versions arose and survived, it is at least worth considering what meaning or function audiences may have found in their differences.[56] Second, that these variants belong at least to the classical period,[57] and therefore provide insight into an earlier stage of reception than the *Athênaiôn Politeia* could in our earlier discussion. This is even less problematic, since those that I will consider—those with the most significant, yet nuanced, variations—belong to the section of the sylloge most plausibly ascribed to Theognis, 19–254, what West terms the *florilegium purum*.[58] But this fortunate coincidence shouldn't be too surprising: nuanced changes in formulations would arguably most readily belong to the period in which the debates and issues concerning Solon's poetry and person were still most active among symposiasts engaged in political and social debate.[59]

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[54] And with this emphasis one is free from subscribing to the assertion of single authorship of the *Theognidea* that allows whatever is valuable in the discussion of critics like Harrison (1902), Highbarger (1929), and Allen (1905) to be dismissed out of hand; cf. West (1974) 40, Bowie (1997) 67.

[55] Of course, the symposiast may 'recompose-in-performance', but for both versions to be extant suggests a performance *tradition* of each variant; that is, they cease to be *ad hoc* invention, though this may well be how they arose.

[56] Even when the verses are identical, the ascription of differing authorship, intentional or otherwise, can amount to a difference in framing and may for audiences convey meaning.

[57] See Carrière (1948b) 13 and Highbarger (1951) 123–124.

[58] West (1974). A detailed survey of the *Theognidea* as collection and tradition lies outside the scope of this discussion. See most recently Bowie (1997) 61–66 with extensive bibliography.

[59] The multiple citations of poems attributed to Theognis in the fourth century and the attribution of a book on Theognis to Xenophon (Stob. 4.29.53) suggest the particular salience of (the label of) Theognis in the early fourth century (and possibly earlier); and even an edition, see Bowie (1997) 63 and Jacoby (1931). The snatch of Theognidean 347–348 in Herodotus 3.81 suggests the interested audience; cf. Pelling (2002) 142 n. 58; see also Lane Fox (2000) 46–52.

Now in the case of other elegists, the differences are non-existent or attributable to a demonstrable shift in the ostensible themes to which the lines are applied.[60] With certain verses shared by Solon, however, the variations are of considerable interest and occur around a consistent theme, the possession of wealth and its relationship to moral behaviour. Their minor variations, particularly in Solon 6.3–4/Theognis 153–154 and Solon 13.71–76/Theognis 227–232, suggest significant competition between Theognidean and Solonian formulations likely to have had its basis in archaic socio-political debate.

Solon 6.3–4 and Theognis 153–154 engage in one such contest over the relationship between wealth and the excessive behaviour it may induce. Solon 6.3–4 reads:

> τίκτει **γὰρ** κόρος ὕβριν, ὅταν **πολὺς** ὄλβος ἕπηται
> **ἀνθρώποις ὁπόσοις** μὴ νόος ἄρτιος ἦι.
>
> For *koros* breeds hybris, when much wealth follows
> all men whose minds are not fit.

The Theognidean formulation in contrast demonstrates small but significant differences from that of Solon:[61]

> τίκτει **τοι** κόρος ὕβριν, ὅταν **κακῶι** ὄλβος ἕπηται
> **ἀνθρώπωι καὶ ὅτωι** μὴ νόος ἄρτιος ἦι
>
> Indeed *koros* breeds hybris when wealth follows a base
> man and one whose mind is not fit.

Juxtaposition of these lines brings their differences into relief. Whereas the Solonian formulation emphasizes the liability of all those (ἀνθρώποις ὁπόσοις) possessing πολὺς ὄλβος to commit acts of hybris should they have minds that are not fit (ἄρτιος)—a category into which the otherwise unqualified and universally denoted group of men (ἄνθρωποι) have the potential to fall[62]—the Theognidean passage circumscribes the

[60] E.g. Mimnermus 5/Thgn. 1017–1022. The situation with Tyrtaeus is somewhat richer: the single variation of Thgn. 1003–1006 and Tyr. 12.13–16 (Thgn. 1004, σοφῶι; Tyr. 12.14, νέωι) is particularly interesting if Thgn. 1007–1012 belonged to the same poem (or was frequently sung in conjunction with it), cf. Harrison (1902) 100–102; similarly Thgn. 933–938 provides a non-martial framing to Tyrtaean content.

[61] As also noticed by Harrison (1902) 113–114, Highbarger (1929) 345; cf. Donlan (1999) 84; Clement (*Strom* vi. 2.8) perceived a significant difference in these formulations; cf. Allen (1905) 389, Mülke (2002) 194. On another interpretation of these shared lines see Lardinois' contribution to this volume.

[62] On the force of the relative pronoun see Thgn. 168; see also Mülke (2002) 200 and Nagy (1983) 88–89.

universality of the gnomic statement through use of the singular, and the addition of a further qualification, κακός. This qualification may be read in either of two ways: as contributing a further independent addition to the "class" of person for whom κόρος breeds hybris, the κακός man—a label often usefully indeterminate in its connotations of socio-economic status or bad moral character—or as a further delineation of the (kind of) person whose mind is not ἄρτιος.[63] Against Solon's more universalising plural ἄνθρωποι with its indefinite correlative pronoun, either reading of Theognis' κακός suggests an attempt to salvage the possibility that some may successfully possess κόρος: by delineating the "class" of person for whom κόρος would engender ὕβρις (just the κακός man who would in fact also be one to have a mind that was not ἄρτιος), or by introducing another class of person (κακός) whose presence in the couplet colours and is coloured by association with the man whose mind is not ἄρτιος. These readings are far from mutually exclusive.

This is not to suggest that the delineating of a group for whom wealth breeds excess is alien to the Solonian lines—manifestly it is not—nor is it to assert that Solon's lines were not directed at the wider *dêmos*, as the *Athênaiôn Politeia* suggests.[64] But the wider application of Solon's lines may provide a demonstration of how Solon occupied the middle: in implying that any man may have a mind that is not ἄρτιος, he elevates the poor by attributing to them a failing shared with the rich on the basis of their common humanity, while, in turn, the rich are reminded that their humanity is all too common. And if *Athênaiôn Politeia* 12 should be correct to assert that Solon's fragment was directed at the *plêthos*, the *Theognidea* may be seen as providing a more explicit rendition of that which was more delicately handled in Solonian verse—a "Solon" pushed off the middle, or rather, from an élite perspective, brought back into line.[65] Of course, the direction of influence may have been, or have been performed in subsequent symposia, in reverse: Solon took a gnomic sentiment from the stock of sympotic

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[63] Highbarger (1929) 345.

[64] The first two lines seem to support this, though one should wonder about the larger context and the selectivity of the *Ath. Pol.* in extracting citations to support its immediate and overall arguments; cf. Mülke (2002) 195.

[65] Even with the assertion of *Ath. Pol.* that these lines were directed towards the πλῆθος, the warning is about πολὺς ὄλβος which, like ἄνθρωποι, stretches the verses to include the very wealthy, and, in contrast to the *Theognidea*, allows for the πλῆθος (Theognis' κακοί) to be capable of successfully possessing (a measured amount of) ὄλβος. On κόρος in Solon see Irwin (2005b) 207–220; see also Balot (2001) 90–94; Anhalt (1993) 82–93; Helm (1993).

elegy, and stretched it like a shield over both sides, a manoeuvre that was no doubt part and parcel of ἀλκὴν πάντοθεν ποιεόμενος.[66]

Analysis of a second pair of verses yields a similar interpretation, Solon 13.71–76 reads:

πλούτου δ' οὐδὲν τέρμα πεφασμένον **ἀνδράσι κεῖται**·
οἳ γὰρ νῦν ἡμέων πλεῖστον ἔχουσι βίον,
διπλάσιον σπεύδουσι· τίς ἂν κορέσειεν ἅπαντας;
κέρδεά τοι θνητοῖς **ὤπασαν ἀθάνατοι**,
ἄτη δ' **ἐξ αὐτῶν** ἀναφαίνεται, ἣν ὁπότε Ζεὺς
πέμψηι **τεισομένην**, ἄλλοτε ἄλλος ἔχει.

No limit of wealth **has been established** as a thing revealed/manifest **to men**, for those of us who now have the greatest livelihood show twice as much zeal. Who could satisfy them all? In truth **the immortals give** mortals **profit**, but **from that/them** there is revealed ruin, whenever Zeus sends **it to punish** them; now one man has it, now another.

Theognis 227–232 displays several significant variations:

πλούτου δ' οὐδὲν τέρμα πεφασμένον **ἀνθρώποισιν**·
οἳ γὰρ νῦν ἡμῶν πλεῖστον ἔχουσι βίον,
διπλάσιον σπεύδουσι· τίς ἂν κορέσειεν ἅπαντας;
χρήματά τοι θνητοῖς **γίνεται ἀφροσύνη**,
ἄτη δ' **ἐξ αὐτῆς** ἀναφαίνεται, ἣν ὁπότε Ζεὺς
πέμψηι **τειρομένοις**, ἄλλοτε ἄλλος ἔχει·

But of wealth no limit has been revealed **to humans**, since those of us who now have the greatest livelihood show twice as much zeal. Who could satisfy them all? In truth **possessions result in folly** for mortals, and **from folly** there is revealed ruin, whenever Zeus sends it to **men who are worn down**; now one man has it, now another.

While both sets of verses explain and document in similar terms the process whereby ruin results from wealth, the divergences in the first and last three verses confer a substantially different rhetorical force and meaning to each.

The first line of each frames the thought to follow. While the differences between the two poets may at first glance seem slight—Solon's ἀνδράσι κεῖται versus ἀνθρώποισιν in Theognis[67]—they are not negligible: ἄνδρες and ἄνθρωποι are not equivalent, and the presence of

[66] Solon 36.26; for ποιῶ used of poetic composition see Solon 20.3 with Anhalt (1993) 135–136.

[67] Indeed, some three-quarters of a millennium later they did: Plutarch quotes as Solonian the Theognidean line (524e), but draws heavily on a passage of Aristotle (*Pol.* 1256b31) in which it is quoted correctly.

the verb κεῖται in Solon changes the force of the statement. First, that no τέρμα πλούτου has been revealed to mankind (ἄνθρωποι), rather than to men (ἄνδρες), mitigates the culpability of individual men for the lamentable consequences arising, not directly from them, but from instead what might be construed as an inexorable feature of the human condition. Moreover, how these men are denoted (ἄνθρωποι, ἄνδρες) will impact upon their relationship to the more specific group invoked in the following line—οἳ γὰρ νῦν ἡμέων πλεῖστον ἔχουσι βίον. In both Solon and Theognis the behaviour of 'some of us now' demonstrates the truth of the previous statement ('Just look around—those of us with the most livelihood strive for more'), but the Theognidean ἄνθρωποι allows this group to stand in another relationship to the initial premise, no longer (only) substantiating its claim, but rather (also) a consequence of it, and indeed excused by it: how can οἳ γὰρ νῦν ἡμέων be accountable for the inability to see a τέρμα that has not been revealed to mankind (ἄνθρωποι)? And by extension, how can we/they be accountable for where that striving might lead? χρήματα becomes foolishness (γίνεται ἀφροσύνη), from which foolishness ruin (ἄτη) comes, the product of a random Zeus, or one who hits men, not as in Solon to exact τίσις, but rather when they are down (τειρόμενος).[68]

But it is not only ἄνθρωποι that changes the force of the Theognidean lines: underlying the simplicity of the bare perfect participle πεφασμένον is an ambiguity about the existence of the πλούτου τέρμα removed by Solon's κεῖται.[69] From a Theognidean point of view, κεῖται seems gratuitous, but its presence in emphatic final position endows Solon's τέρμα with an independent existence from how it is πεφασμένον ἄνδρασι (refuting the suggestion that it is or appears to be οὐδέν); this existence established by κείται obliges men (ἄνδρες) to discover other predications to respond to a non-existence that is only evident (οὐδὲν… πεφασμένον).[70] Moreover, in the context of a poem carrying the nomo-

68 For the thought see Archilochus 130.

69 See Mülke (2002) 322 on the force of πεφασμένον in Solon; cf. Aristotle (*Pol.* 1256b31) who reads in Solon's line a firm assertion of a boundary. κεῖται does however introduce its own (to my mind intentional) complexities: see Mülke (2002) 324 on the variety of ways to construe the syntax, who prefers, as I do, following the word order and reading πεφασμένον predicatively and proleptically.

70 Cf. *Od.* 6.59, the only Homeric parallel for the perfect passive participle with κεῖται, likewise in a context in which is articulated a normative pressure for a change in predication. Cf. Pind. *Pyth.* 8.73–78 where the assertion, τὰ δ' ἐπ' ἀνδράσι κεῖται (in a context similarly regarding the acquisition of wealth) results in the exhortation, μέτρῳ κατάβαιν'. The Homeric line ending most similar to Solon's ἀνδράσι κεῖται in

thetic 'I' of Solon, the verbal idea of κείται can connote the positive actions available to men (ἄνδρες as political agents) to take against the unfortunate relationship (some) men have to wealth (οὐδὲν τέρμα πεφασμένον), namely, the establishment of limits, or even law.[71] The answer each variant gives to the rhetorical question—τίς ἂν κορέσειεν ἅπαντας;—may be the same, 'no-one', but they differ in whether that response breeds a sense of futility (emphasis on the τίς) or enjoins men to find a corrective, even if they cannot hope to be entirely successful (emphasis on the ἅπαντας): some may find a limit.[72]

The final three lines of each diverge significantly from one another in their accounts of the relationship between ἄτη and wealth, and more specifically on the source from which ἄτη is revealed (ἐξ αὐτῶν, Solon; ἐξ αὐτῆς, Theognis). For Solon, ἄτη appears ἐξ αὐτῶν, its antecedent variously argued to be κέρδεα, mortals or the gods.[73] In one sense, κέρδεα does seem the most natural antecedent. I would not, however, exclude the possibility of Solon introducing a degree of intentional indeterminacy to reflect three competing explanations for the source of ἄτη, particularly as Solon has constructed a poem in which on the most fundamental level the existence of syntactical ambiguity matters not at all: the roles of all three candidates in this process have in fact already been clearly delineated in the body of the poem. If κέρδεα is construed as the source, this is because it is unjustly gained (9–10); if mortals, this is due to injustice, hybris (e.g. 11–12) or certain features in the way humans understand their condition (33–35); if gods, it is as τίσις (e.g. 25).[74] Solon's ambiguous syntax voices all these possibilities, at

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shape, context and strongly metaphorical use of κεῖται (*LfrGrE* s.v. IA. 5a) is γούνασι κεῖται of the formula ἀλλ' ἤτοι μὲν ταῦτα θεῶν ἐν γούνασι κεῖται (*Il.* 17.514 = 20.435 = *Od.* 1.267 = 16.129; ≈ *Il.* 1.400). The force of κεῖται in this formula chimes with Solonian use: Homeric characters utter this sentiment not as an excuse, but rather as an injunction to behave well under the constraints laid on them as humans. The subtle shift in Solon's line making explicit the responsibility of men is entirely in keeping with an often discussed aspect of Solonian ethics and poetics: see for instance Jaeger (1966) on fr. 4 and Blaise's contribution to this volume.

[71] See Lattimore (1947)177; cf. Mülke (2002) 324.

[72] Particularly if in response to οὐδὲν πεφασμένον they recognize what ἀναφαίνεται (75): the ἄτη consequent from (certain kinds of) acquisition, or otherwise said, what has been the subject of Solon 13.

[73] See Mülke (2002) 327 for a discussion of the three possible ('zwar umstritten') antecedents of ἐξ αὐτῶν with bibliography; cf. Maurach (1983) 25 n. 44: 'Hier ist fast jedes Wort kontrovers', and Noussia (2001) 219.

[74] This would constitute an answer to those maintaining the position of Thgn. 133–134 (cf. 133–142 with Solon 13).

the same time as the body of his poem has circumscribed the correct way in which each of these possibilities may be considered true—a metaphysical exploration of the cause of ruin. Moreover, regardless of the antecedent of ἐξ αὐτῶν, one must further note that the resulting ἄτη (ruin) emerges as not inevitable, but rather only as a possible consequence for which the wider context of the poem (including the participle τεισομένην) provides ample explanation.[75]

In contrast to Solon, there is no syntactical ambiguity about the source of Theognis' ἄτη: it results from the ἀφροσύνη that (somehow) wealth becomes (γίνεται). Indeed the clarity of the syntax masks the vagueness of the account it presents. The question remains, just how does wealth become ἀφροσύνη? And while an audience can of course supply their own answer—if they can be bothered; Theognis' syntax, in contrast to Solon's does not encourage contemplation[76]—the function of Theognis' formulation lies elsewhere in its attempt to rescue wealth from being the direct source of ἄτη: the culprit is rather foolishness, ἀφροσύνη, a state which in general archaic usage carries at best only limited moral culpability.[77] And again, in contrast to Solon's ἄτη, Theognis' ἄτη *seems* to be inevitable and unavoidable owing to the absence of any qualification: unlike the monumental fr. 13, the six lines of Theognis provide no such wider context in which to understand and explain the appearance of ἄτη.

The final variation encountered in the verses stresses these points. Theognis' τειρομένοις can be seen as further limiting in relation to Solon's τεισομένην: Solon's ἄτη sent by Zeus exacts punishment, while the Theognidean formulation allows for the suggestion that it is only to a certain group that Zeus sends ἄτη, the τειρόμενοι. Like ἀφροσύνη, the word τειρόμενοι imputes no moral failing to those it denotes.[78] It offers

[75] Mülke (2002) 323.

[76] The same may be said about Thgn. 227 in contrast to Sol. 13.71 (see above).

[77] Except possibly for Solon 13.70; see Maurach (1983) 24 n. 38 for survey of scholars who understand this morally. In archaic usage, ἀφροσύνη does not appear to be a term carrying with it any great censure. In Homer it appears only in speeches (*Il.* 7.110, *Od.* 16.278, 24.45) as at best a persuasive, because gentle, corrective possibly belonging to élite culture (*Od.* 16.278–279; cf. the Corinthian rhetoric of Thuc. 1.122.4). See also *Od.* 24.457–459 where the suitors' acts focalised through their parents' perspective is termed merely ἀφροσύναι, whereas from an absolute perspective they are called ἀτασθαλίαι; the shifting focalisation may provide a parallel for Solon's unique usage in 13.70 if moral connotations are to be had in κακῶς ἔρδειν and its equation with ἀφροσύνη.

[78] Cf. Homeric usage with Mawet (1977) 44 and Renehan (1975) 189. It appears five times in elegy (Thgn. 182, 754, Tyr. 6.1, Mimn. 1.7) and seems frequently associated

no censure for the negative consequences resulting from the (excessive) acquisition of wealth, while its presence excludes all that is conveyed by the Solonian τεισομένην with its evocation of the ἄτη of line 13, resulting from ὕβρις (11), ἄδικα ἔργματα (12), and subject to the τίσις of Zeus (25).[79] For Solon, the ἄτη that appears (ἀναφαίνεται) in line 75 both has had it workings already explained and framed by the preceding body of the poem *and* is given a function in the next clause (τεισομένην): these features together constitute a response to the condition described in line 71, that οὐδεν τέρμα πεφασμένον ἀνδράσι κεῖται. Granted the πλούτου τέρμα that exists (κεῖται) may not be a thing revealed, manifest, but other things have been and are that can assist in determining that limit—not least ἄτη when it appears, and Solon 13 itself.[80]

Here the logic of Theognis' passage stands in strong contrast: to the potential enlightenment ἄτη provides if understood in terms of Solon 13, ἀναφαίνεται in the Theognidean line conveys instead the random and sudden nature of ἄτη; and the source of that ἄτη, ἀφροσύνη, conveys neither a sense of moral censure for those striving for wealth in excess (οἳ γὰρ νῦν ἡμῶν πλεῖστον ἔχουσι βίον, διπλάσιον σπεύδουσι), nor any sound basis—for it would be an absurdity to suggest that foolishness could provide this—for ascertaining a τέρμα not πεφασμένον. The overall effect of the variations is that while both Solon and Theognis describe a recognisable sequence of causation tracking the relationship of wealth to ruin, they differ with respect to how inevitable it is that that sequence need occur and to whether the fact that it is recognisable (for Theognis, universal) should provide any basis for the mitigation of culpability, or, in contrast, for the firmer ascription of it.

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with the labours and cares of low social-economic status, though not necessarily of low birth, a fact that raises an ambiguity in Theognis 231–232 as to whether χρήματα should be envisaged as still present when ἄτη appears: unless proleptic, τειρόμενοι may well suggest that the χρήματα has already been lost through foolishness, and that, rather than a consequence of wealth, ἄτη may be seen instead as more immediately the consequence of poverty.

[79] See also line 29. Cf. Noussia (2001) 220; Mülke (2002) 326–328. Mülke adds that the preverb ἀνα- used with ἄτη in line 75 may refer back to that of line 13. ἄτη itself is a term that in connection with culpability was open to exploitation: the *locus classicus* is Agamemnon in the *Iliad* (cf. Clarke 1999, 280–282 who, however, might have introduced more consideration of status and politics into his analysis). See Hudson-Williams (1910) 191 for Theognis' χρήματα, ἀφροσύνη, ἄτη as forming 'a sort of genealogy like κόρος, ὕβρις, ἄτη'; one must recognise that this genealogy conveys less moral culpability.

[80] Cf. 13.28: πάντως δ' ἐς τέλος ἐξεφάνη. For further analysis of this passage see Noussia's contribution to this volume.

Some general points emerge about the contrast in each poet's treatment of the relationship of wealth (κόρος, χρήματα / κέρδεα) to immorality (ὕβρις, ἄτη): in contrast to Solonian formulations, universal in their application (fr. 6) and focussed on human accountability (fr. 13), the Theognidean versions are characterised by attempts to define a (social) group for whom wealth does not generate moral failing (153–154), and, should it come about that for some in that group wealth becomes ἄτη, to mitigate their culpability (227–232): in a sense, Theognis plays the same 'universal' and 'accountable' cards as Solon, but in reverse and to the advantage of a social élite. Finally, the very syntax of Solon 13 encourages greater contemplation of the relationship of wealth to ἄτη than that required by Theognis' verses, the effect of which may be this: audiences are required to assume responsibility for their account, and indeed are perhaps even stratified by the degree to which they are prepared to engage with that most central of human problems.

The significance of the variations will, of course, remain a contentious issue: the analysis offered here has neither exhausted interpretation nor fully explored how such variations may have been read in different contexts and by different groups in the archaic *polis* and beyond; and one may, in turn, choose to accept the general approach taken here, while debating the details of the account offered. I do hope, however, to have encouraged a wider cultural approach to the philological debates generated by these 'doublets' that is capable of appreciating how our debates over these texts may reflect debates of a different order among their earliest audiences, and of assisting our academic debates in replicating the contours of those archaic ones.

I want to step back from the necessarily tentative conclusions derived from the above analysis, and instead look at another pair of poems suggestive of elegiac boundary disputes, Solon 4 (ἡμετέρη δὲ πόλις) and Theognis 39–52 (Κύρνε, κύει πόλις ἥδε),[81] and which from the point of view of the *communis opinio* of Theognidean scholarship are likely to be nearly contemporary.[82] Both poems start by situating their speakers in

[81] See Nagy (1983). For a complete text with translation of Solon fr. 4, see the Appendix to this volume.

[82] Poems containing the name Cyrnus are generally held to be the best indicator of authenticity; see, for instance, West (1974) 40 and Bowie (1997) 62. For a rehearsal of the arguments for the proposed dates of Theognis see Lane Fox (2000) 37–40 who reasserts the date of 600–590 BC, which therefore allows for the possibility of direct competition between Solon and Theognis.

relation to the city (ἡμετέρη, Sol. 4.1; ἥδε, Theognis 39),[83] and proceed in what follows to ascribe responsibility for the social deterioration they describe; and this they do in language of overwhelming similarity, closer than even one might expect from the shared subject matter.[84]

Both open with a closely sequenced pattern of assertion and denial of responsibility for the conditions afflicting the city, conditions upon which there is much overlap. Their first lines express a threat that stands in some relation to the city. Theognis fears the city will produce a 'straightener', a figure like or synonymous with the tyrant,[85] in response to his and his audience's hybris (39–40 = lines 1–2):

Κύρνε, κύει **πόλις ἥδε**, δέδοικα δὲ μὴ τέκηι ἄνδρα
  εὐθυντῆρα κακῆς ὕβριος ἡμετέρης.

Cyrnus, this city is pregnant, and I fear that it may give birth to a man who is the 'straightener' of our wicked hybris.

Solon in turn focuses on the suggested threat that the gods may destroy the city, his explicit denial serving only to anticipate the true menace revealed in lines 5–8:

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[83] Whether Solon 4.1 is the first line of the poem has been much debated: the presence of δέ has been thought to render this impossible; but one may doubt the certainty of this belief, see n. 46 and Irwin (2005b) 86 n. 4. The most recent commentators disagree: in contrast to Mülke (2002) 100–102, an inceptive δέ poses no difficulty to Noussia (2001) 236–238; I would agree. For lack of a word that denotes "coherent verse units that may well be fragments of a larger whole", or "fragments (?) that allow themselves to be understood as poems" (thus their preservation in the form we have them), I call these verses "poems", rather than "fragments", on the grounds that while it is important to acknowledge the lack of positive evidence for identifying a poem as complete, it is by the same token wrong to call them fragments, and the insistence on using this term in the absence of evidence seems to be related to privileging the intentionality of the poet in a manner at odds with modern literary criticism and, I suspect, with the dynamics of sympotic reperformance.

[84] I list these: ὕβρις (Thgn. 40, 44, Sol. 4.8, cf. 4.34); ἡμετέρη (Sol. 4.1, Thgn. 40); πόλις … οὔποτ' ὀλεῖται (Sol. 4.1), οὐδεμίαν … πόλιν ὤλεσαν (Thgn. 43); στάσιν ἔμφυλον (Sol. 4.19), στάσιές τε καὶ ἔμφυλοι φόνοι ἀνδρῶν (Thgn. 51); δημόσιον κακόν (Sol. 4.26, Thgn. 50); φθείρειν (Sol. 4.5 πόλιν; Thgn. 45 δῆμον); ἐν ἡσυχίηι (Sol. 4.10, Thgn. 48; both appearing in a line with sympotic connotations); εὐθυ- (Sol. 4.36, Thgn. 40); ἀστοί in emphatic first position (Sol. 4.6, Thgn. 41); πόλις, first and fifth lines in nom. and acc. respectively (Sol. 4.1 and 4.5; Thgn. 39 and 43); cf. Sol. 4.22 (with Bergk's emendation to φιλαῖς) with Thgn. 49. See the analysis of Nagy (1983) 84–87 who goes so far as to call the stance in 39–52, 'Solonian'; see also Gentili (1988) 62 and Reitzenstein (1893) 61.

[85] See the doublet, Thgn. 1081–1082b; for κύει used literally of the birth of a tyrant, Cypselus, see Hdt. 5.92b2. On the image of tyrant as 'straightener' and the discourse of δίκη see McGlew (1993) 71 and Irwin (2005b) 226–229.

ἡμετέρη δὲ **πόλις** κατὰ μὲν Διὸς οὔποτ᾽ ὀλεῖται
  αἶσαν καὶ μακάρων θεῶν φρένας ἀθανάτων·
τοίη γὰρ μεγάθυμος ἐπίσκοπος ὀβριμοπάτρη
  Παλλὰς Ἀθηναίη χεῖρας ὕπερθεν ἔχει·

Our city will never perish by the dispensation of Zeus or the intentions of the blessed gods, who are immortal. For such a stout-hearted guardian, daughter of a mighty father, Pallas Athena, holds her hands over it in protection.

Both poems then introduce the ἀστοί in a manner that is marked. After denying the gods to be a threat, Solon asserts:

αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίῃσιν
  ἀστοὶ βούλονται χρήμασι πειθόμενοι,
δήμου θ᾽ **ἡγεμόνων** ἄδικος νόος, οἷσιν ἑτοῖμον
  ὕβριος ἐκ μεγάλης ἄλγεα πολλὰ παθεῖν·

But the citizens (ἀστοί) themselves are the ones who in their senselessness are willing to destroy a great city, persuaded by money, and the mind of the leaders (ἡγεμόνες) of the people is unjust, and they are certain to suffer much grief from their great hybris.

The delay in identifying αὐτοί conveys the surprise at the revelation that ἀστοί are the city's destroyers: they themselves are responsible, together with the ἡγεμόνες, through a mixture of greed, injustice and hybris. In contrast, Theognis' poem denies culpability to the ἀστοί–or rather a subset of ἀστοί circumscribed by the delayed qualification, οἵδε, a deictic pronoun that absolves *these* ἀστοί, not least, those here at this symposium singing this song, from responsibility—instead ascribing all blame to the ἡγεμόνες alone:

ἀστοὶ μὲν γὰρ ἔθ᾽ οἵδε σαόφρονες, **ἡγεμόνες δὲ**
  τετράφαται πολλὴν εἰς κακότητα πεσεῖν.

For these citizens [the ones here around us] are still prudent, but the leaders have fallen in with great baseness.

Highly evocative of Solon's first line is Theognis' next statement: οὐδεμίαν πω Κύρν᾽ ἀγαθοὶ πόλιν ὤλεσαν ἄνδρες ('No city yet have *good* men, Cyrnus, ever destroyed'). The negation of responsibility for destruction of the city (οὐδεμίαν … πόλιν ὤλεσαν) is in fact what is expressed by the first lines of Solon 4 (πόλις … οὔποτ᾽ ὀλεῖται, 'never will the city perish'), and, against the Solonian assertion that the *gods* will not destroy the city, Theognis' gnomic utterance that '*good* men destroy no city' reads rather like a defensive ('Don't look at us') to Solon's identification of men as the culprits. If the intertextuality of the lines is construed in reverse,

to Theognis' assertion that never yet has a city has been destroyed by good men, the force of Solon's first line might read: 'Well, it's certainly not the *gods* who will ever destroy *our* city'.

What follows in Theognis (41–43) is precisely what follows in Solon (4.5–8), a description of the malefactors who commit hybris (Sol. 4.8; Thgn. 41), engaging in destructive behaviour (φθεῖρειν: Sol. 4.5, Thgn. 42) and incited by desire for gain (χρήμασι πειθόμενοι, Sol. 4.6, cf. 4.11; οἰκείων κερδέων εἵνεκα, Thgn 43). For Solon it was ἀστοί and ἡγεμόνες, while for Theognis it is the κακοί:

ἀλλ' ὅταν **ὑβρίζειν** τοῖσι κακοῖσιν ἅδηι
δῆμόν τε **φθείρουσι** δίκας τ' **ἀδίκοισι** διδοῦσιν
οἰκείων κερδέων εἵνεκα καὶ κράτεος,

But when it is pleasing for the base to commit outrage (ὑβρίζειν), and they ruin (φθείρειν) the people (δῆμος) and render verdicts in favour of unjust men (ἄδικοι) for the sake of private profit and power…

Compare Solon 4.5–8 (translated above):

αὐτοὶ δὲ **φθείρειν** μεγάλην πόλιν ἀφραδίῃσιν
ἀστοὶ βούλονται χρήμασι πειθόμενοι,
δήμου θ' ἡγεμόνων **ἄδικος** νόος, οἷσιν ἑτοῖμον
ὕβριος ἐκ μεγάλης ἄλγεα πολλὰ παθεῖν·

And although they may disagree on those accountable for the conditions, the vocabulary used to describe those conditions continues to converge: στάσιες τε καὶ ἔμφυλοι φόνοι (civil wars and intestine murders, Thgn. 51) and στάσιν ἔμφυλον (intestine stasis, Solon 4.19); δημόσιον κακόν (common evil, Thgn. 50; Solon 4.26).

As shown above in the analysis of the verses of double attribution, a strategy of mitigating culpability characterises Theognis' handling of material otherwise so closely related in theme to Solon: κακοί are continually ascribed the blame (44, 49, a term usefully ambiguous, certainly here a moral term, but indeed likely also a social one), a term whose ambiguity Solon avoids by using ἄδικοι (4.7, 22). The generalising force of the assertion **μὴ** δηρὸν **κείνην** πόλιν ἀτρεμίεσθαι ('that city would not remain still for long', Thgn. 47) likewise avoids an ascription of blame by suggesting no city could remain unaffected by circumstances such as these. The two poems read as a debate conducted in elegy. Theognis provides what amounts to the ἀπράγμων's account of the city's situation: the innocence of the singer of the poem and his (sympotic) audience (οἵδε σαόφρονες, 'these men here are prudent'),

blame ascribed elsewhere (to the ἡγεμόνες, 41;[86] to the κακοί, 44, 49; and even to the πόλις itself, 39 and 52). Solon 4 reads as a sharp response to the ἀστοί (no doubt the very ones who would sing at their symposia disclaimers such as those of Theognis), those responsible for the prevailing conditions who may naïvely believe they won't be touched by the ills afflicting the city and *dêmos*, those whose response to the ills is merely to offer a wish that things not get any worse (Thgn. 52).

This apparent sharp response is intensified by the extended sections whose content belongs exclusively to Solon, the sections that are in fact responsible for Solon's poem being nearly three times as long as that of Theognis. Lines 17–25 introduce a lengthy description of the enslavement of the *dêmos*, followed by an assertion that no one is exempt from this δημόσιον κακόν (public ill), a term likewise used by Theognis (50). Solon's use of δημόσιον κακόν is especially marked: in line 26 (οὕτω δημόσιον κακὸν ἔρχεται οἴκαδ' ἑκάστωι, 'in this way does δημόσιον κακόν come upon the house of each'), it redescribes the plight of city and *dêmos* narrated in the extended section beginning, τοῦτ' ἤδη πάσηι πόλει ἔρχεται ἕλκος ἄφυκτον ('this comes already as an ineluctable wound upon the entire city', 4.17), before its animation by epicising simile (4.26–29) into a creature that leaps the walls to penetrate the innermost recesses of even the most stately of homes.[87] Against Solon's usage, Theognis' less fully conceived δημόσιον κακόν seems in its context little more than a subordinate afterthought: εὖτ' ἂν τοῖσι κακοῖσι φίλ' ἀνδράσι ταῦτα γένηται | κέρδεα δημοσιωι σὺν κακῶι ἐρχόμενα ('when these things become dear to bad men, namely, profits that come with δημόσιον κακόν', 49–50).

In each, the δημόσιον κακόν precedes its concluding section, and again from the perspective of the Theognidean poem, the *Eunomia* passage constitutes a significant elaboration. Where Theognis' poem ends with a wish that effectively shunts responsibility onto the city:

> ἐκ τῶν γὰρ στάσιές τε καὶ ἔμπυλοι φόνοι ἀνδρῶν
> μούναρχοί τε· πόλει μήποτε τῆιδε ἅδοι.

> For from these conditions arise political conflicts and kin murders,
> and tyrants. May **this city** never find favour in that.

[86] κακότης may be read in two ways, as both wickedness and the interests of the κακοί.

[87] εἰ καί τις φεύγων ἐν μυχῶι ἧι θαλάμου, 29: see the excellent comments of Adkins (1985) 121 on the class associations of the image in 4.26–29.

Solon evokes the citizen collective, to pronounce a virtual hymn to *Eunomia*:[88]

> ταῦτα διδάξαι θυμὸς Ἀθηναίους με κελεύει,
> ὡς κακὰ πλεῖστα πόλει Δυσνομίη παρέχει·
> Εὐνομίη δ' εὔκοσμα καὶ ἄρτια πάντ' ἀποφαίνει,
>
> These things does my heart bid me to teach the Athenians,
> that bad governance furnished the most evils to the city,
> but Eunomia reveals all things to be well ordered and fitting.

And the ills which the advocated *Eunomia* will heal belong overwhelmingly to the faults of an élite:[89] κόρος (excess), ὕβρις (violent outrage), ἄτη (ruinous folly), δίκαι σκολιαί (crooked verdicts), ὑπερήφανα ἔργα (overweening acts), ἔργα διχοστασίης (stasis), χόλος ἀργαλέης ἔριδος (the anger of grievous strife).

The differences amid such manifest similarities require a further examination of the stance of each poet and the audiences each assumes. Theognis' poem is easy to imagine in an élite symposium. The singing of the deictic pronoun οἵδε (41), and, to a lesser extent, ἥδε (39), evokes the immediacy of the sympotic occasion by allusion to its present audience. At the same time, the poem is also panhellenic in its appeal: the programmatic statement οὐδεμίαν ... πόλιν ('no city') in line 42 and the generalising κείνην πόλιν ('that city') of line 47 enable the poem to be sung in the symposia of any city, creating a panhellenic élite able to transcend the constricting confines of their individual cities. Theognis' ἥδε emerges as no different from any other city (οὐδεμία, κείνη) and provides a single panhellenic voice for an élite similarly beleaguered by the politics of its various cities. This perhaps explains the suggestion of antipathy in Theognis' response to the city when compared to Solon's. Solon 4 expresses repeated concern for the city's well-being: the city won't be destroyed by the gods (1–2); Athena is its ally (3–4); citizens

[88] Fr. 4.30–32. On the hymnic quality of the Eunomia section see Jaeger (1966) 96–97; cf. Mülke (2002) 149. In her contribution to this volume Stehle stresses that Solon here does not *address* the Athenians, but the syntax allows no certainty that an audience would not hear themselves addressed by this line: there may be no second person form to suggest an address, but likewise there is neither any third person form to be found. On my understanding, 'Athenians' comprise all those encompassed by 'our' of the first line, those present for this singing (who "hymn" *Eunomia*) and those others who are committing the wrong-doing and are thereby all the more in need of hearing what Solon's heart bids him to say; with 'Athenians' the symposiastic audience of these lines are subsumed within the wider citizen body.

[89] See Mülke (2002) 97.

are willing to destroy (φθείρειν) a great city (5–6); as a wound this situation afflicts the entire city (πᾶσα πόλις, 17); and the lovely *astu* is consumed (τρύχεται, 21). In contrast, Theognis is almost hostile to the city: pregnant with the εὐθυντήρ (1–2),[90] it is implicitly a threat to the 'we' of the poem (ὕβριος ἡμετέρης); its destruction is subsumed in a generic statement spoken to absolve his audience (ἀστοὶ σαόφρονες as among the ἀγαθοὶ ἄνδρες) from blame if the city should be destroyed; as *any* city in such circumstances, he does not expect it to remain still for much longer (47); and his prayer that the city never delight in stasis and murders does not reflect well on the city, repeating as it does a verb—again in emphatic final position (ἅδοι, 52; cf. ἅδηι, 44)—whose previous object has been τοῖσι κακοῖσιν.[91]

Unlike Theognis' poem, Solon 4 demonstrates none of the panhellenic gestures that allows Theognis' audience to transcend their city to join a panhellenic élite: while the pronoun ἡμετέρη does not exclude performance in other cities, the reference to Athena in 3–4, and the naming of the Athenians in line 30 inscribe a particular locality into this poem. But the stance of Solon 4 is not only different in relation to a panhellenic audience: it differs also in relation to a sympotic audience. Between, on the one hand, the first person pronoun ἡμετέρη aligning the present group with their city and, on the other, the unqualified third-person group ἀστοί characterised as a sympotic crowd (9–10; cf. σύνοδοι, 22), there is no explicit inclusive nod or concession made to a present sympotic group that would exempt them and their symposia from the rebuke and admonition Solon's poem constitutes. If any concession is present, it is entirely implicit: singing *this* poem at their symposia would provide the exemption; as is the case with Xenophanes 1, the symposiast singing, and the audience hearing, it by virtue of being present at its singing are above the critique expressed by it: that they are prepared to conjure up so vividly the ills of the *dêmos* at their symposia performs their innocence of the conditions they describe and their responsibility for its solution. By making themselves recipients and performers of what the poet's 'I' wishes to teach they prove their concern extends beyond mere (Theognidean) wish.

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[90] Notice the contrasting ends to which Solon (4.17) and Theognis (39) attribute a corporeality to the city.

[91] In comparison with the *polis*, he shows moderately more concern towards the *dêmos*, though his single reference (δῆμον φθείρειν; cf. Sol. 4.5) reads almost like a newly-learned catchphrase and bears no comparison with Solon's extended excursus (e.g. 4.23–25) on what δῆμον φθείρειν actually means.

Such a view of the sympotic dynamics works as far as it goes, but one must recognise that, unlike Xenophanes 1, Solon 4 provides no indications that the audience is in fact sympotic. The lack of sympotic gestures is met instead by an entirely more public stance: ταῦτα διδάξαι θυμὸς Ἀθηναίους με κελεύει ('These things does my heart bid me to teach Athenians'). The collective name 'Athenians' combined with an absence of an explicit second-person form elicits a complex relationship between speaker and audience, the occasion and content of his speech, and the wider civic body. On the one hand, symposiasts are invited to hear themselves addressed in Ἀθηναίους, to identify themselves as citizens of Athens, not of a generic city (ἥδε πόλις), and to make present at their symposium their fellow citizens whom no qualifying pronoun like οἵδε can be construed as excluding.[92] On the other, taken as the third person, Ἀθηναῖοι constructs the occasion for the singer's instruction about *Eunomia* as future and external to the present symposium, creating a temporal paradox: a promise of future instruction to the collective citizen body, Ἀθηναῖοι, that when sung transforms the present sympotic performance into those future performances. The stance adopted gestures to the city existing outside and beyond the symposium, and of the future, should this *Eunomia* continue to be performed (cf. 4.1–4).[93] Taken together, the poem at once enjoins its audiences to identify with the entire citizenry at their symposia, and directs their attention beyond the present symposium, inscribing in the poem the entire citizen body as the audience for its *Eunomia*.[94]

One may here recall the transgressions of the *Salamis* story, articulated in terms of space (whether a fiction of the poem or not): martial elegiac *paraenesis* performed in civic space. Against Theognis, the *Eunomia* poem suggests another, complementary, movement: the crossing of elements and themes otherwise unprecedented into sympotic elegy and the symposium. One might frame this crossing otherwise: there is a sense that this poetry, even if only sympotic, was intended to step outside, that the fact of the private performance of this elegy—

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92 One might usefully compare here Cleisthenes' political manoeuvre of bringing the δῆμος into his ἑταιρεία ('political club'), rendering the δῆμος an ἑταῖρος, a virtual guest at his symposia: see note 36 above.

93 For the oratorical stance of this line see Irwin (2005b) 193–196.

94 In constructing this stance Solon may be seen to be participating in and defying a trope of elegiac poetics (Levine 1985, Nagy 1990) which attempts to define the *polis* selectively in terms of the present symposium. For Solon 4's critique of this trope see Anhalt (1993) 82, Balot (2001) 88, Noussia (2001) 241–243 and Irwin (2005b) 209–211.

and just who were performing it—was intended to be public, to be known by the wider *dêmos*.[95] This of course does not exclude it from being élite poetry, or part of the power struggles of the élite (among them of course included attempts to become tyrant), but rather sheds light on how these struggles were played out poetically and politically in archaic Athens.[96] Solon emerges as poet and political actor engaged in a nuanced process of communication (and obfuscation) with an audience, both sympotic and civic, in a stance that perhaps was a travesty of both contexts, but possibly most sorely felt by (a subsection of) those who participated in the former.

But before leaving the relationship of Solon 4 and Theognis 39–52, we might want to characterise their differing stances, and, in particular, the more sympotically anomalous stance of Solon. The sympotic singers of Theognis' poem are most akin to ἀπράγμονες: their response to the dire conditions in which they live amounts to no more than an expression of fear about the coming of a 'straightener' (εὐθυντῆρα κακῆς ὕβριος ἡμετέρης, 40) born from the πόλις itself,[97] a denial of responsibility, and a wish (πόλει μήποτε τῆιδε ἅδοι, 52). Threatened by the situation within their city, they sing a verse whose generic quality allows them to transcend their individual cities and to identify with a panhellenic élite experiencing similar pressures from below.[98]

The case of Solon's *Eunomia* is more complex. Conditions shared with Theognis' poem are uttered amidst strong and repeated expressions of belonging to the city (1), Athens (3–4), and a self-imposed injunction to advise its citizens (Ἀθηναῖοι, 30); between the dismissal of one fear (οὔποτ' ὀλεῖται) and a policy for the future (30–39), the singer *takes* the stance of the figure who recognizes the ills of the city, one who is willing to ascribe blame without qualification (though without mis-

[95] This is true of Tyrtaeus and Callinus, but the image of the symposiasts intended to be circulated would differ: on the heroic self-representation of martial exhortation elegy see Irwin (2005b) chs. 2 and 4.

[96] These poetic boundary disputes with Theognis might in another sense be political: the close relationship of a subsection of the archaic Athenian élite with Megara, as attested by Olympic victor Cylon (Thuc. 1.126) and in the resistance to war with Megara (cf. French 1957, 241–242; Hopper 1961, 208–217), suggests a group whose symposia Theognis would have crowned and against whom (the singing of) Solon's poetry may have been aimed.

[97] Compare the more negative representation of the tyrant in this passage's doublet, Thgn. 1081–1082 b; see Nagy (1983) 87 and Lardinois' contribution to this volume.

[98] The construction of such an élite is part of the function of such poetry; on élite responses to the city see Irwin (2005b) 48–81.

take the target is the élite) and to offer the remedy (ταῦτα διδάξαι θυμὸς Ἀθηναίους με κελεύει, 30), recommending what will among other things ὕβριν ἀμαυροῖ ('bring hybris into obscurity', 34) and εὐθύνει δὲ δίκας σκολιάς ('straighten crooked verdicts', 36), measures that in effect transform him into Theognis' εὐθυντὴρ κακῆς ὕβριος, the figure who will respond to the conditions prevailing within the city upon which Solon and Theognis agree. The figure feared by (those who sing) Theognis and the figure assumed by the 'I' of Solon's poem merge into one, to the extent that it has been said of Theognis 39–52: 'So universalized is this picture that the description of the emerging tyrant is expressed in words that are appropriate for describing the Athenian lawgiver Solon in Solon's own words'.[99] The similarity might, however, be interpreted otherwise: instead, it is rather, or also, the case that Solon is exploiting the language of the εὐθυντήρ, whom some would call a tyrant.[100] If these observation of Solon's stance are correct, it becomes no wonder that a good deal of Solon's poetry asserts that he eschewed tyranny; without such poetry it may have been unclear to us (and at least some among his contemporaries) whether he did.

Conclusion: New Directions

This has been a survey of where the different kinds of evidence for Solon's poetry and biography around his poetry may lead if we refuse to close down the narratives about him, if we refuse to keep things neat. Both narratives and poetry push toward seeing a more radical, transgressive Solon than later audiences (including those modern) may have felt comfortable in recognising; the leads they provide require more extensive investigation than can be undertaken in the present study. I want, however, in conclusion to return to the two issues with which I began: scholars' difficulties in synthesising Solon's identities as poet and political figure; and the dominant characterisations of archaic elegy and its proponents—both Solon's place among the archaic elegists and elegy's place within an archaic context.

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[99] Nagy (1983) 84; Rihll (1989) 283 n. 32 concurs: 'The distinction between tyrant and lawgiver has vanished here…'

[100] Cf. Thgn. 1082. One should ask whether Solon 4 was overlooked by the *Ath. Pol.* because it ill fits the author's schema of a "middling" Solon.

I want first to return to Gerber's first and last sentences quoted earlier. The responsibility for critical evaluations of Solon's poetry has proven to be the opposite of Gerber's claim: instead of blaming historians for taking too little account of the 'poetic quality' of Solon's poetry (judged by Gerber, however reluctantly, to be less than first-class), I would argue that the blame resides more with those philologists and literary critics who often feel justified in taking too little account of the politics behind the poetry, and that were they to do so Solon's status as poet would rise. That politics is crucial to a full appreciation of archaic poetry should not be controversial: everything we know about that period suggests a social role for poetry that more often than not is conjoined with the political. And while I have framed the transgressive Solon from the point of view of him as elegist, each of these examples, from the biographical tradition, from his poetry and from comparisons to other elegists, show the transgressions to have political content, or rather from some points of view at least to be transgressive beyond the poetic.

That a large part of the extant Solon contains the repeated and explicit assertion that he refused tyranny not only emphasises the deeply political nature of his poetry, but such emphatic denial no doubt also functioned for its 'I' as a means of attempting to control *both* contemporary *and* future audience receptions.[101] There are times, however, when it seems that the very explicitness of the claim may have served to counterbalance instances where Solon's language comes fearfully close to that attested in tyrannical discourse: fr. 4 and the iambic fr. 36 share the most with the platform of a tyrant (and interestingly neither of these contains an explicit disavowal of tyranny)—for example, in the harnessing of *dikê* and *biê* with *kratos*, and in the simile of the single wolf.[102] Solon's use of the κέντρον in the counterfactual of fr. 36 demonstrates this too well: 'If someone else than I (ἄλλος ὡς ἐγώ) had taken up the goad (κέντρον, the tyrannical instrument *par excellence*)[103] they would not

[101] Seen sympotically, Solon guaranteed his own future reception as not a tyrant by providing his sympotic audiences with an 'I' to sing that allowed them to (claim to) make concessions to the wider *dêmos* in a way that would fend off the accusations of class betrayal by their peers.

[102] On the harnessing of *dikê* and *biê* as part of tyrannical discourse see Vox (1983), McGlew (1993) 52–86 and Irwin (2005b) 221–230. On the tyrannical associations of the wolf see Pl. *Rep.* 565d–566a, Pind. *Pyth.* 2.81–88 with Irwin (2005b) 245–261. For an excellent political analysis of these elements of fr. 36 see Blaise (1995).

[103] See, for example, Thgn. 847–850, with Noussia (2001) 361–362, Catenacci (1991) 30–31; Anhalt (1993) 122–123.

have contained the people'. But behind Solon's contrafactual assertion that he warded others off the tyranny—no one else took up the goad—there resides a lingering ambiguity as to whether Solon (wants his audience to think he) was left holding it.[104]

Solon's poetry demands a simultaneous consideration of the historical and the poetic; without such a synthesis it is impossible to appreciate the sophisticated dynamic his elegy created with the poetic traditions he inherited, and through competition with contemporaries engaged politically in poetic discourse; and without such a synthesis Solon becomes relegated to the second rank of poets, the subtlety of his language lost.

The second issue I want to consider is the characterisation of archaic elegy. Although the major cultural and political shifts posited by the standard *Geistesgeschichte* to exist between the Homeric epics and elegy have been recognised as at best exaggerated, the larger narrative about the elegists generated by this school has yet to be significantly affected. I would ask what kind of ruptures would need to be apparent between elegists before our narratives about elegy's relationship to archaic political history would change?

If neat narratives characterising elegy must be created, perhaps Solon, not Theognis, ought to be seen as the exceptional elegist. And Theognis on a continuum with the more obviously sympotic themes of an Archilochus, Tyrtaeus, Callinus and Mimnermus; but of course influenced by, and responding too, other competing purveyors of elegy. In one sense, this would not be a surprise to traditional characterisations of elegy in so far as Solon's political day-job has always lent him an air of exceptionality among the elegists, but this fact usually alters the story little. What *would*, however, actually constitute a different narrative is to recast our groups and to look to another elegiac tradition in which to place Solon, to a more explicitly political poetic tradition and one closely associated with archaic tyranny. It is at the least plausible that Solonian elegy was influenced by, if not also entirely belonging to, a strand of elegy containing other archaic political figures. Solon's political day-job may make him seem a special case among early Greek poets, but ancient testimony suggests that his poetic, even elegiac, inclinations were characteristic of other exceptional, and even tyrannical, archaic political figures, such as Periander and Pittacus, whose frag-

[104] *Pace* Mülke (2002) 391 for whom the ambiguity sits uncomfortably: he sees an ellipsis (*scil.* οὕτως): 'hier eher "ein anderer so wie ich" als "ein anderer als ich"'. For ancient recognition of Solon's use of ambiguous language see Plut. *Sol.* 14.2–3.

ments sadly do not survive, probably because of a combination of factors: they did not compose for cities that were to have quite so exceptional (and democratic) a future, and perhaps, too, they had a less acute sense of how they might best influence their own future reception.[105] We must strain our ears to hear the contests behind the fragments that have been preserved for us.

Bibliography

Adkins, A.W.H. 1985. *Poetic Craft in the Early Greek Elegists*. Chicago.

Allen, T.W. 1905. Theognis. *CR* 19: 386–395.

Allen, T.W. 1934. Theognis. *PBA* 20: 71–89.

Andrewes, A. 1938. *Eunomia*. *CQ* 32: 89–102.

Anhalt, E.K. 1993. *Solon the Singer: Politics and Poetics*. Lanham, MD.

Balot, R. 2001. *Greed and Injustice in Classical Athens*. Princeton.

Blaise, F. 1995. Solon. Fragment 36. Pratique et fondation des normes politiques. *REG* 108: 24–37.

Bowie, E.L. 1986. Early Greek Elegy, Symposium and Public Festival. *JHS* 106: 13–35.

Bowie, E.L. 1990. *Miles ludens*? The Problem of Martial Exhortation in Early Greek Elegy. In Murray (1990) 221–229.

Bowie, E.L. 1997. The Theognidea: A Step Towards a Collection of Fragments. In *Collecting Fragments—Fragmente sammeln*, ed. G. Most, 53–67. Göttingen.

Buxton, R. 1986. Wolves and Werewolves in Greek Thought. In *Interpretations of Greek Mythology*, ed. J. Bremmer, 60–79. London.

Campbell, D. 1982. *Greek Lyric Poetry*. Bristol.

Carrière, J. 1948a. *Théognis de Mégare*. Paris.

Carrière, J. 1948b. *Théognis: Poèmes élégiaques*. Paris.

Cartledge, P. 1980. The Particular Position of Sparta in the Development of the Greek City-State. *PRIA* 80(C): 91–108.

Catenacci, C. 1991. Il *tyrannos* e i suoi strummenti: alcune metafore 'tiranniche' nella *Pitica* 2 (vv. 72–96) di Pindaro. *QUCC* 39: 85–95.

Collins, D. 2004. *Master of the Game: Competition and Performance in Greek Poetry*. Washington D.C.

[105] And Pittacus seems to have had a better poet as one of his detractors. On these tyrants as poets, included by Gentili and Prato (1985) in their edition of the elegiac poets, see Diog. Laert. 1.78 (Pittacus), 97 (Periander) (and see Stephan. Schol. *ad* Arist. *Rhet.* 1375b31); on Diogenes' source see Farinelli (2000). Cf. Cleobulus and his daughter (Diog. Laert. 1.89–91, *GVI* 1171; cf. Simonides 581 *PMG*) with Berve (1967). 119, and Hipparchus with Ford (1985); on Pisistratus and the Homeric poems see Irwin (2005b) 277–280, 283–288.

Connor, W.R. 1987. Tribes, Festivals, and Processions: Civic Ceremonial and Political Manipulation in Archaic Greece. *JHS* 107: 40–50.
Denniston, J. 1950. *The Greek Particles*. Oxford.
Detienne, M. and Svenbro, J. 1989. The Feast of the Wolves, or the Impossible City. In *The Cuisine of Sacrifice among the Greeks*, eds. M. Detienne and J.-P. Vernant, 148–163. Chicago.
Donlan, W. 1973. The Tradition of Anti-Aristocratic Thought in Early Greek Poetry. *Historia* 22: 145–154.
Donlan, W. 1985. *Pistos Philos Hetairos*. In Figueira and Nagy (1985) 223–234.
Donlan, W. 1999. *The Aristocratic Ideal and Selected Papers*. Wauconda, IL.
Dougherty, C. and Kurke, L., eds. 1993. *Cultural Poetics in Archaic Greece: Cult, Performance, Politics*. Cambridge.
Else, G. 1965. *The Origin and Early form of Greek Tragedy*. Cambridge, MA.
Figueira, T. and Nagy, G., eds. 1985. *Theognis of Megara: Poetry and the Polis*. Baltimore.
Farinelli, C. 2000. Lobone di Argo ovvero la psicosi moderna del falso antico. *Aion* 22: 367–379.
Ford, A. 1985. The Seal of Theognis: the Politics of Authorship in Archaic Greece. In Figueira and Nagy (1985) 82–95.
Ford, A. 1999. Odysseus after Dinner: *Od.* 9.2–11 and the Traditions of Sympotic Song. In *Euphrosyne. Studies in Ancient Epic and its Legacy in Honor of Dimitris N. Maronitis*, eds. J.N. Kazazis and A. Rengakos, 109–123. Stuttgart.
Fowler, R. 1987. *The Nature of Early Greek Lyric: Three Preliminary Studies*. Toronto.
Fränkel, H. 1962. *Dichtung und Philosophie des frühen Griechentums*. München.
Freeman, K. 1926. *The Life and Work of Solon*. London.
French, A. 1957. Solon and the Megarian Question. *JHS* 77: 238–264.
Gentili, B. 1988. *Poetry and its Public in Ancient Greece*. Baltimore.
Gentili, B. and Prato, C. 1985. *Poetarum Elegiacorum Testimonia et Fragmenta*, Vol. II. Leipzig.
Gerber, D. 1970. *Euterpe: An Anthology of Early Greek Lyric, Elegiac and Iambic Poetry*. Amsterdam.
Gerber, D. 1997. Elegy. In *A Companion to Greek Lyric Poetry*, ed. D. Gerber, 89–132. Leiden.
Giannini, P. 1973. Espressioni formulari nell' elegia greca arcaica. *QUCC* 16: 7–78.
Graziosi, B. 2002. *Inventing Homer: The Reception of Epic*. Cambridge.
Griffiths, A. 1995. Non-Aristocratic Elements in Archaic Poetry. In *The Greek World*, ed. A. Powell, 85–103. London.
Hansen, M.H. 1989. Solonian Democracy in Fourth-Century Athens. *C&M* 40: 71–99.
Harrison, E. 1902. *Studies in Theognis*. Cambridge.
Helm, J. 1993. *Koros*: from Satisfaction to Greed. *CW* 87: 5–11.
Highbarger, E.L. 1927. A New Approach to the Theognis Question. *TAPhA* 58: 170–198.
Highbarger, E.L. 1929. Literary Imitation in the *Theognidea*. *AJPh* 50: 341–359.
Highbarger, E.L. 1951. Review of Carrière (1948b). *CPh* 46: 122–124.
Hopper, R. 1961. Plain, Shore and Hill in Early Athens. *ABSA* 56: 189–121.

Hudson-Williams, T. 1910. *The Elegies of Theognis and Other Elegies Included in the Theognidean Sylloge*. London.
Irwin, E. 1998. Biography, Fiction and the Archilochean *Ainos*. *JHS* 118: 177–183.
Irwin, E. 2005a. Gods among Men? The Social and Political Dynamics of the *Hesiodic Catalogue of Women*. In *The Hesiodic Catalogue of Women*, ed. R. Hunter, 35–84. Cambridge.
Irwin, E. 2005b. *Solon and Early Greek Poetry: The Politics of Exhortation*. Cambridge.
Jaeger, W. 1966a. Solon's *Eunomia*. In *Five Essays*, 75–99. Montreal.
Jaeger, W. 1966b. Tyrtaeus on True *Arete*. In *Five Essays*, 101–143. Montreal.
Kurke, L. 1999. *Coins, Bodies, Games and Gold*. Princeton.
Lane Fox, R. 2000. Theognis: An Alternative to Democracy. In *Alternatives to Athens* ed. R. Brock and S. Hodkinson, 35–51. Oxford.
Lefkowitz, M. 1981. *The Lives of the Greek Poets*. London.
Levine, D. 1985. Symposium and the *Polis*. In Figuiera and Nagy (1985) 176–196.
Linforth, I. 1918. *Solon the Athenian*. Berkeley.
Loraux, N. 1984. Solon au milieu de la lice. In *Aux origines de l'Hellenisme: La Crete et la Grece. Hommage a Henri van Effenterre*, 199–214. Paris.
Lord, A. 1960. *The Singer of Tales*. Cambridge, MA.
Lowry, E. 1991. *Thersites: A Study in Comic Shame*. New York.
Mainoldi, C. 1984. *L'image du loup et du chien dans la Grèce ancienne d'Homère à Platon*. Paris.
Martina, A. 1968. *Solon*. Roma.
Maurach, G. 1983. Über den Stand der Forschung zu Solons Musenelegie. *GGA* 235: 16–33.
Mawet, F. 1979 *Recherches sur les oppositions fonctionnelles dans le vocabulaire homérique de la douleur*. Bruxelles.
McGlew, J. 1993. *Tyranny and Political Culture in Ancient Greece*. Ithaca, NY.
Meier, M. 1998. *Aristokraten und Damoden*. Stuttgart.
Miller, A.M. 1996. *Greek Lyric: An Anthology in Translation*. Indianapolis.
Mülke, C. 2002. *Solons Politische Elegien und Iamben (Fr. 1–13; 32–37 West). Einleitung, Text, Übersetzung, Kommentar*. Leipzig.
Munson, R.V. 2001. *Telling Wonders: Ethnographic and Political Discourse in the Work of Herodotus*. Ann Arbor.
Murray, O. 1990. *Sympotica*. Oxford.
Murray, O. 1993. *Early Greece*. London.
Nagy, G. 1979. *Best of the Achaeans: Concepts of the Hero in Archaic Greek Poetry*. Baltimore.
Nagy, G. 1983. Poet and Tyrant: *Theognidea* 39–52, 1081–1082b. *CA* 2: 83–91.
Nagy, G. 1985. Theognis and Megara: A Poet's Vision of his City. In Figueira and Nagy (1985) 22–81.
Nesselrath, H.-G. 1992. Göttliche Gerechtigkeit und das Schicksal des Menschen in Solons Musenelegie. *MH* 49: 129–135.
Noussia, M. 1999. *A Commentary on Solon's Poems*. Diss. University College London.

Noussia, M. 2001. *Solone. Frammenti dell' opera poetica*. Milano.
Osborne, R. 2001. The Use of Abuse: Semonides 7. *PCPhS* 47: 47–65.
Parker, V. 1998. Τύραννος: The Semantics of a Political Concept from Archilochus to Aristotle. *Hermes* 126: 145–172.
Pelling, C. 2002. Speech and Action: Herodotus' Debate on the Constitutions. *PCPhS* 48: 123–158.
Piccirilli, L. 1975. *Megarika. Testimonianze e Frammenti*. Pisa.
Piccirilli, L. 1978. Solone e la guerra per Salamina. *ASNP* 8: 1–13.
Pleket, H. 1969. The Archaic *Tyrannis*. *Talanta* 1: 19–61.
Raaflaub, K. 1993. Homer to Solon: The Rise of the Polis. In *The Ancient Greek City-State*, ed. M.H. Hansen, 41–105. Copenhagen.
Reitzenstein, R. 1893. *Epigramm und Skolion*. Giessen.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athenaion Politeia*. Oxford.
Richter, W. 1978. Wolf. *RE* Suppl. 15: 960–987.
Rihll, T. 1989. Lawgivers and Tyrants (Solon, Frr. 9–11 West). *CQ* 39: 277–286.
Robertson, N. 1998. The City Center of Archaic Athens. *Hesperia* 67: 283–302.
Romer, F. 1982. The *Aisymneteia:* A Problem in Aristotle's Historical Method. *AJPh* 103: 25–46.
Slings, S. 2000. Symposium and Interpretation: Elegy as Group-Song and the So-Called Awakening Individual. *AAHung* 40: 423–434.
Snell, B. 1948. *Die Entdeckung des Geistes. Studien zur Entstehung der europäischen Sprache*. Göttingen.
Solmsen, F. 1949. *Hesiod and Athens*. Ithaca, NY.
Stehle, E. 1997. *Performance and Gender in Ancient Greece*. Princeton.
Szegedy-Maszak, A. 1978. Legends of the Greek Lawgivers. *GRBS* 19: 199–209.
Taylor, M.C. 1997. *Salamis and the Salaminioi. The History of an Unofficial Athenian Dêmos*. Amsterdam.
Tedeschi, G. 1982. Solone e lo spazio della comunicazione elegiaca. *QUCC* n.s. 10: 33–46.
Thomas, R. 1994. Law and the Lawgiver in Athenian Democracy. In *Ritual, Finance, Politics. Athenian Democratic Accounts Presented to David Lewis*, eds. S. Hornblower and R. Osborne, 119–133. Oxford.
Ulf, C. 1990. *Die homerische Gesellschaft. Materialien zur analytischen Beschreibung und historischen Lokalisierung*. München.
Van Groningen, B. 1966. *Theognis: Le Premier Livre*. Amsterdam.
van Wees, H. 1999. Tytaeus' *Eunomia*: Nothing to do with the Great Rhetra. In *Sparta: Beyond the Mirage*, ed. S. Hodkinson and A. Powell. 1–41. London.
Vox, O. 1983. Solone 'nero'. Aspetti della sagezza nella poesia solonica. *QS* 18: 305–321.
Vox, O. 1984. *Solone autoritratto*. Padova.
Węcowski, M. 2002. Towards a Definition of the Symposion. In *Euergesias Charin. Studies presented to Benedetto Bravo and Ewa Wipszycka by their Disciples*, ed. T. Derda, J. Urbanik and M. Węcowski, 337–361. Warsaw.
West, M.L. 1974. *Studies in Greek Elegy and Iambus*. Berlin/New York.
West, M.L. 1993. *Greek Lyric Poetry*. Oxford.

CHAPTER THREE

SOLON'S SELF-REFLEXIVE POLITICAL PERSONA AND ITS AUDIENCE

Eva Stehle

We do not know how Solon's poems were preserved.[1] Most historians assume that the poems we have are Solon's, preserved largely as he composed them. Ivan Linforth argues that a written collection must have come down from Solon himself: 'It seems almost necessary to believe that Solon's poems were recorded in writing by himself'. Many of the political poems, he says, were occasional, that is, written to express Solon's reaction to a particular situation or justify his actions, and these 'would hardly have survived in the popular memory alone'.[2] Although we have learned a great deal about the importance of oral traditions since 1919, Linforth's view of the survival of Solon's poems still seems to be implicitly accepted, in part, surely, because it permits scholars to assume that Solon's preserved political poetry not only is what Solon wrote but also represents Solon's perception of an actual state of affairs. Hence we can learn what he was trying to accomplish and what opposition he encountered by studying the poems. Their notorious vagueness or ambiguity, evident when one does try to extract historical information from them, has been attributed to his attempt to appeal to both sides at once.[3]

Another reason for allowing Linforth's view to stand, I think, is that Solon's personality and vision in the political poems seem so vivid; indeed, they lend character to the more generic poems. It is easy to feel that these must represent the spontaneous perceptions of a passionate reformer. Yet precisely this feature, the sharp personality (combined with the lack of specificity about situation), casts doubt on the view that the political poems represent Solon's occasional poetry, for it is the product of a consistently isolated and self-reflexive speaker.[4] In this

[1] I gratefully thank the editors André Lardinois and Josine Blok, the reader for the press, and Elizabeth Irwin for helpful comments that have improved this essay, though they would not all subscribe to the result.

[2] Linforth (1919) 9–10. Quotations from pages 9 and 10 respectively.

[3] So Adkins (1985) 113 and 110–125 passim; cf. Anhalt (1993) 71 on ambiguity in fr. 4.

[4] Cf. Vox (1984) 11–13 on Solon's "mania" for speaking of himself. He describes

essay I investigate the literary means by which the speaking subject, the persona, of the political poems achieves its powerful impression. What I find, to anticipate the analysis, is that the poems repeat a very narrow range of themes expressed in generalities; they imply an audience different from Solon's fellow Athenians, who are described in the third person; and they demonstrate no engagement with their ostensible context: nothing is located in space, no specific dispute is mentioned, the only proper names given are Solon, Athena, Zeus, and Athens. Instead they interact to create a "Solon" who stands out vividly against a blurred background. The idea of interaction among poems is crucial, for it is through multiple self-portraits, both redundant and offering different angles on the subject, that the speaker gives such a strong impression of being a real personality. In other words, the political poems function as a collection, a group of poems whose sum is greater than its parts. It is thanks to the collection that we acquire a coherent, persuasive portrait of Solon.

The persona thus created is a powerful, isolated figure who always reasserts the validity of his own vision, speech, and stance in the face of his fellow Athenians, who, one and all, misunderstand them. He is a commentator on his own character, framing his perceptions by reference to his own emotions, his earlier speech, or imagery describing his mood. He seldom engages in dialogue with other citizens; only fragment 4c has both first-person plural pronouns (which possibly do not include him; see below) and second-person pronouns, fr. 4 has one first-person plural adjective, and 11 uses the second person.[5] Solon alone sees Athens whole, and he always stands above the other citizens or between factions that equally fail to grasp his meaning and equally oppose him. The persona depicts himself as accomplishing his reforming actions single-handedly with a mythical ease, but as unable to save his speech and actions from being misinterpreted.

This persona speaks over the heads of contemporary Athenians, who do not comprehend him, to an implied audience unlocated in space or time. An implied audience is a (hypothetical) audience that responds in

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Solon's "personality" as unitary but of disquieting variety and multiple masks. Vox studies Solon's painting his own heroic portrait as competition with epic heroes like Odysseus. Cf. also Mülke (2002) 180–181 on Solon's isolation, which he attributes to the reformer's desire to express his unique vision and foreground his own achievement.

[5] Fr. 31 has a first-person plural verb also, but these lines are said to be the opening of Solon's hexametric version of his laws, which makes them very suspect. See Lardinois' contribution to this volume, n. 6.

the ways that a speaker or writer invites it to. The implied audience is positioned by myriad aspects of the text (oral or written). The author's emotional and moral shaping of the text solicits responses. The ways in which the speaker offers access to himself or herself (through, e.g., first person narrative, asides, self-reflexive comment, style) combine to set up a particular relationship to the audience. Elements like tone of voice and setting contribute. All these create clues as to how an audience should react.[6] The implied audience also notices allusions, imagery, ironies, and other devices for connoting meaning.

Solon's poetry employs several techniques for detaching its implied audience from the fellow citizens to whom one would expect it to be addressed. One powerful technique is the speaker's revelation of inner thoughts and emotions to the implied audience, combined with blaming the citizens in the third person; he gives the impression thereby of revealing a principled, caring or ironic self that his contemporaries do not see. By suggesting such privileged access he attributes superior understanding to this audience and invites deep sympathy. Another technique is appeal to the future or offering of predictions that the implied audience recognizes as true. By these and other methods the implied audience is positioned as offering Solon vindication from outside the political context in which he moves. Any actual audience for the poems has a strong incentive to align itself with this implied audience. I will refer to the implicit audience (with which I try to align myself in this essay) as 'we', in which pronoun I include both Athenians and modern readers.

At the heart of the construction of this persona is a political conviction: *Eunomia* (political good order) is based on behavior and can only be achieved if the citizens adapt their behavior to it. They cannot even recognize the concept of *Eunomia* unless they are prepared to live in accordance with it, and if *Eunomia* is imposed as an organizational and legal system they cannot consent to it or allow it to become a self-sustaining system without a change of heart. For any actual audience that identifies with the implied audience and interprets the poems as an interacting set, this is the fundamental Solonian observation on which further interpretation of the persona's political messages must rest.

The *point* of a collection encoding such a persona with such a message is a separate question. It involves prior questions both about the

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[6] For a helpful short introduction to the idea of the implied audience see Doherty (1995) 16–20, esp. 19, with bibliography. The term comes from Iser (1978).

performance and transmission of the poems and about the context in which they came together as an interacting group. In the first part of this essay I demonstrate the emergence of a persona and its implied audience from the interaction of the poems. In the second part I defend and develop the idea of a "collection", a more-or-less deliberate gathering of poems. Here I bring in the idea of social memory, a concept of oral tradition abetted by documents or monuments that has been effective in illuminating Herodotus. Solon was a figure around whom several different social memories coalesced, each with a corresponding construction of a persona through speech and poetry.

Solon's self-reflexive persona

"Solon" as a commentator on his own character is a product of poems / fragments 4–11 and 31–37.[7] Obviously, we are missing the whole poem in most cases, so analysis cannot be other than tentative. For my purposes it is helpful that the *Athênaiôn Politeia* and Plutarch, or rather their sources, probably quoted the most "personal" parts of poems because they were interested in Solon's relations with his fellow Athenians; thus they were predisposed to include the passages in which the persona was prominent. Had there been, for instance, more passages in which Solon addressed his contemporary audience directly, with 'you', they would no doubt have found those of interest—an argument from silence, to be sure. With this inevitable caveat, I proceed. In this part, I discuss most of the political poems to show how a persona emerges as a composite construction. I dispense with quotation marks around Solon when discussing the persona, but they should be supplied by the reader. My guiding questions will be how the speaker portrays himself in relationship to his contemporary Athenians, who his implicit audience is in each case, and how his self-portrait in one poem interacts with that in others.

We can begin with fragment 4, which may or may not be a complete poem.[8] It appears to belong to a period before Solon began his reforms

[7] Poem 13 is often read with 4 and 36. I exclude it because it ignores the *polis*. A phrase in 13.12 echoes 4.11, but the subject is wealth, not humans. The Salamis elegy (frs. 1–3) also does not represent Solon as a figure with power or involved in legal reforms, although it shares an isolated persona.

[8] Linforth (1919) 195 and Adkins (1985) 111 argue that the δέ in line 1 does not mean that lines preceded. Noussia (2001) ad loc. accepts that. Mülke (2002) 100–101 concludes

because it describes problems facing Athens and a solution, *Eunomia*. What interests me is that it uses multiple strategies to detach Solon from any immediate context and present him as relaying his observations from a quasi-divine level to an equally detached implicit audience. The first words (of poem or fragment), 'our city', invite the implied audience ('us') to join him as fellow citizens who care about the city.[9] Solon assures us of Athena's protection of the city. At line 5 the human contrast begins with αὐτοὶ δέ ('but selves'). Since Solon has associated himself with his audience in his first word, we would expect the αὐτοί to be second person (or first plural): 'but (you / we) yourselves / ourselves …'.[10] However, ἀστοὶ βούλονται ('the inhabitants want') at the beginning of line 6 belies that expectation and makes αὐτοί third person.[11] Another third-person verb in line 9 reinforces it. Solon has excluded the *astoi* (the whole population of Attica) from 'our city' by labeling them 'they'.[12] Moreover, they deserve to be excluded, we see, for they do not cherish the city as an entity but seek their own advantage (6), 'yielding to the persuasion of material goods'. The leaders of the *dêmos* (7) are equally at fault. We, on the other hand, adopting Solon's moral stance, reject them. We who share Athens with Solon must be conceptually located apart from the *astoi*.[13]

By the same move, Solon also detaches himself from the Athenians he observes. To see how striking the third person is in what should be

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that 1 is probably not the first line. See also the contributions of Blaise and Irwin to this volume, who both consider the poem to be complete. For a full text of the poem, see the Appendix to this volume.

[9] See Mülke (2002) ad loc. for a good discussion. Solon is apparently the first to join the words.

[10] Compare fr. 11.3.

[11] Noussia (2001) ad loc. points out the force of βούλονται.

[12] I translate ἀστοί by 'inhabitants' following Mülke (2002) ad loc. He argues that all the (free male) inhabitants of the *polis* (the larger political entity of Attica) without distinction must be meant, as is the case with earlier uses of the word (e.g., *Il.* 11.241, *Od.* 13.192, Archil. 13.1, Tyrt. 12.39, etc). As he says, the contrast is between the attitudes of gods and humans toward the city. Cf. also Linforth (1919) 196–198. Blaise, in her contribution to this volume, n. 38, points out the opposition of αὐτοὶ… ἀστοί to με in 30. Adkins (1985) 113 argues that the word is ambivalent, meaning either the whole citizen body or the nobles. Almeida (2003) 210 believes that the *astoi* are the aristocrats because they must be different from the *dêmos* in 7.

[13] Tedeschi (1982) 36–38 places performance of the poem in the elite symposium and reads the opening as Solon's giving notice that he will be inclusive of all in the city in his reforms. Of course a speaker could denounce 'the inhabitants' to his friends, implicitly excluding them, but Solon never acknowledges any friends or indeed any exceptions to his blanket condemnations.

a harangue, we can compare other political elegies. Callinus 1 opens with, 'How long will you recline there? When will you have a sturdy heart, young men? Are you not ashamed at ignoring the neighboring people?' From blame the speaker turns to exhortation, using τις plus third-person imperative as a kind of distributive imperative. In Tyrtaeus, frequent first-person plural verbs and pronouns make the speaker one with the audience. For instance in fragment 2, despite its ragged state, πειθώμεθα and ἀφικόμεθα can be seen, the first a hortatory subjunctive, 'let us obey', and the second an aorist narrating a shared past, 'we came'. In 11 Tyrtaeus exhorts with plural imperatives in the first three (extant) lines, and the address to 'you' continues throughout the thirty-eight quoted lines.[14] But Solon observes rather than engaging the inhabitants whose behavior he castigates.

As has been noted, Solon's position vis-à-vis the Athenians thus appears rather like that of Zeus in *Odyssey* 1.32–43, who uses *autoi* plus third-person to remark that humans blame the gods for troubles they bring on themselves (33–34).[15] But Solon is not only replacing a divinity-centered moral conception with a human-centered one, as Werner Jaeger argues, but simultaneously raising himself to Olympian heights.[16] Like Zeus, Solon is a spectator; he both knows the gods' attitude toward the city and views the panorama of Athenian folly from a position above the human level. Thus his detachment, noted in the previous paragraph, correlates with his gaze from afar. His 'our city' now appears to be spoken over the heads of the Athenians he describes, just as Zeus speaks over the heads of the human characters within the *Odyssey*.[17] We may infer that the Athenians do not listen to Solon, just

[14] Cf. also Tyrt. 5.1–2 and 19, the latter a description of battle; note πεισόμεθα in 19.11. In fr. 12 Tyrtaeus ends with τις ἀνήρ plus third-person imperative. For Tyrtaeus' ways of addressing the audience, cf. Stehle (1997) 51–55.

[15] Mülke (2002) ad loc., following Linforth (1919). Anhalt (1993) 74–78 interestingly explores parallels between Athens and Troy.

[16] Jaeger (1966 [1926]) 87–91 argues for a change from divine regulation to human experience in enforcing justice; similarly Anhalt (1993) 110–113: humans must find political solutions. Blaise, this volume, puts it that Solon delineates an autonomous human political sphere, but she notes that only Solon seems to be conscious of it. I agree with her analysis but describe his 'consciousness' as adoption of an elevated vantage-point.

[17] Jaeger (1966 [1926]) 81–82 says that Solon is speaking to his Athenian fellow-citizens. But Jaeger's weaving back and forth between the Athenians he thinks Solon is addressing and the Athenians who are destroying the city as though these were different groups illustrates the problem.

as Aegisthus does not listen to Hermes, who comes from Zeus to warn him against killing Agamemnon.[18]

The *astoi* and the leaders of the *dêmos* are guilty of not knowing how 'to restrain excess (κατέχειν κόρον) or enjoy in an orderly way (κοσμεῖν) the present pleasures in the peacefulness of the banquet' (4.9–10).[19] Then, in the lacuna either before or after line 11 a new sentence may have begun with a conditional clause of some type. 'Ubi autem homines pravi …' is M.L. West's suggestion, with the apodosis starting in line 17.[20] This section is then a generalization, a warning or prediction to the Athenians. The protasis describes the sequence of escalating disorder, and the apodosis, which reaches to line 29, draws out the revenge of violated Justice: the city falls into slavery, which rouses faction and war, which destroys the youth; the city is worn down by enemies and traitors; many of the poor are sold as slaves abroad; and inescapable evil penetrates to every house. It is important for our understanding of interactions among poems to note that the warning sets up an opposition between self-restraint and slavery, and also one between self-restraint and factions. Several other poems use one or both of these two conditions, slavery and faction, to stand for the results of the inhabitants' failing to practice self-restraint.

Line 4.30 begins as a summary statement in asyndeton, with the speaker generalizing the preceding observations under the term *Dysnomia* (helped by the jingle of line 31). Yet *Dysnomia* becomes the platform from which Solon vaults to a new vision of its opposite, *Eunomia*. Because it is the opposite of and solution for *Dysnomia* (which Linforth translates as 'lawlessness'), *Eunomia* must be good behavior.[21] Therefore

[18] Cf. Jaeger (1966 [1926]) 87–88 on Solon's replacing Hermes as a prophetic warner but speaking from his own deep human knowledge rather than divine knowledge.

[19] For good discussion of *koros* see Anhalt (1993) 79–95: Solon shows the aristocratic banquet to be an inadequate model for the city; also Linforth (1919) 198–199 at line 9f on *kosmein* here. Noussia (2001) 9f. has good comments on the image of the banquet: it may reflect the performance venue (symposium or public feast) but more pointedly invokes the idea of equal distribution inherent in *dais*.

[20] West (1992) ad loc. Linforth (1919) 140 prints a full stop at the end of line 16, leaving 17 in asyndeton. Adkins (1985) 109 prints West's comma but takes it (118 at 17–18) as a mistake, translating with a full stop. He treats 17 as beginning a new section, ambiguously specific or general. Mülke (2002), after discussion, opts (128–129) for a full stop at 16, with 17 introducing a generalizing result in asyndeton: 'Accordingly the verses that precede 17 can be understood as protasis *in fact* but *syntactically* rather as an independent sentence' (129, his emphasis). This makes the *astoi*, etc., the subject of lines 12–15.

[21] Jaeger (1966 [1926]) 92 makes this point by comparing Hesiod's 'just city' (*WD* 225–237).

effects attributed to it (34–39)—among other things, it stops excess, wipes out *hybris*, withers the flowers of Ruin (ἄτη), softens arrogant deeds—are effects that the people could spontaneously bring about for themselves by acting with self-restraint. Solon's utterance opens up at the end into a positive vision to counteract the warning prediction.

'These things', Solon says at line 4.30, using an asyndeton, 'my heart orders me to teach the Athenians'. Up until now the speaker has not called attention to himself, but with his self-reference Solon frames the previous lines as his internal discourse, a personal vision, and simultaneously conveys his emotional attitude toward his insight.[22] Despite his heart's urging, however, *he does not address the Athenians* as Callinus and Tyrtaeus do or even use τις with third-person imperative as they do. There is no harangue, no *parainesis*. In effect, he makes the implied audience confidants while underlining the distance between him and the other inhabitants. At the same time the asyndeton "objectively" marks a gulf between the behavior described earlier and the solution: when and only when the Athenians perceive their own behavior as *Dysnomia* could they adopt *Eunomia*.[23]

Fragments of another poem or poems concerning Athens' troubles are quoted in quick succession in *Athênaiôn Politeia* 5, which situates them before Solon's reforms. These, gathered as fragments 4a–c, do not give us much to work with, but even so we can see that they repeat and vary the speaker's self-portrait in fragment 4 to add depth to the composite persona. The two direct and one indirect quotations may come from the same poem, as has been proposed, but there are reasons to be skeptical.[24] I tentatively treat 4a and 4b–c separately. *Athênaiôn*

[22] Mülke (2002) 98 remarks that motive to 'teach the citizens' is otherwise unknown in early Greek elegy.

[23] Plutarch (*Solon* 5.2–3) relays an anecdote that speaks to our persona. Anacharsis, a Scythian wise man, visited Solon at the time when Solon was compiling his laws. When Anacharsis learned what Solon was doing he mocked Solon for his effort as thinking that he could restrain the unjust acts and greediness of the citizens by written documents. Solon replied that humans observe agreements that it is not profitable for either party to break; he himself is fastening laws on the citizens in such a way as to show to all that acting justly is better than transgression. Plutarch adds in his own voice that things turned out as Anacharsis had guessed rather than as Solon had hoped.

[24] *Ath. Pol.* 5.2 says apropos of fr. 4a that Solon fights against each side on behalf of each. It then says that Solon was of middling wealth as the following poem (4c) makes clear. The citation that follows does not (in any way evident from the quoted lines) indicate Solon's station, so Rhodes (1993) 124 at 5.3 suggests that *Ath. Pol.* has truncated its source, in which an appropriate passage was quoted. In that case, intervening material would separate 4a from 4c and b. Mülke (2002) ad loc. rejects Rhodes'

Politeia gives what it says are the first lines of 4a: 'I recognize (it), and pain lies in my heart, when I see the oldest land of Ionia sinking' (γινώσκω, καί μοι φρενὸς ἔνδοθεν ἄλγεα κεῖται / πρεσβυτάτην ἐσορῶν γαῖαν [Ἰ]αονίης / κλινομένην). This time the self-reference comes at the beginning: Solon's γινώσκω ('I recognize') makes his consciousness the frame through which we approach the poem. The strategy for positioning speaker and audience is the same as in 4.30 in that it makes Solon's speech one about his own thought. As in fragment 4, he sees Athens whole, from a synoptic perspective, though instead of Athena holding her hands over it he sees it sink.[25] And as in 4, the implied audience shares his recognition and sorrow, for the first thing he represents as the content of his act of recognition is the pain it causes him.

Was the implied audience also separated from Solon's fellow inhabitants as in fragment 4? We cannot tell from just these lines, but *Athênaiôn Politeia* 5.2 gives a summary of the poem that suggests it was: 'he fights (μάχεται) and disputes with each on behalf of each and then advises them collectively to stop (καταπαύειν) their desire to triumph'. And μάχεται suggests that Solon used harsh language, different in tone from his confession of pain. He may have couched his admonitions either in the second person or in the third person, as in fragments 34 and 37 (see below); either way, the opening positions the implied audience apart from the factions by giving it access to his internal emotional state.[26]

In any event, even just these few lines tell us that fragment 4a interacts with 4 to strengthen the persona of Solon. Both poems show him observing Athens as an entity in itself, distinct from the inhabitants, though his perception of it varies with his mood. His pain (4a) feeds his compulsion to teach in 4. *Athênaiôn Politeia*'s description also helps to demonstrate the interaction. It mentions that the Athenians were suffering from slavery and faction; these are the two paradigm effects of

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argument, pointing out that 4c does contain the advice that *Ath. Pol.* mentions, but he also argues against taking 4a and 4c as parts of the same poem. See below for the view of Bowie (1986).

[25] Some have suggested that 4a was the opening of 4, preceding 'our city'; see Mülke (2002) ad loc. for bibliography. He points out that the two do not have comparable content but concludes that the idea can neither be demonstrated nor definitively confuted.

[26] *Athênaiôn Politeia* implies that the citizens collectively took Solon as mediator and *archôn* because (or when) he had written this poem. If that is a significant remark, then this poem must have contained lines that would lead to such a view of it. Perhaps, like 4, it ended with a positive message of *Eunomia.*

unrestrained behavior identified in 4.17–19 and 24–25, so Solon's prediction has come true. On the other hand, since *Athênaiôn Politeia* says that Solon had composed the poem at the time when both factions turned to him as mediator, the poem is located conceptually before the reforms. That means that the summary quoted above, 'he fights and disputes with each', must refer to attempts at persuasion. In other words, we infer, when Solon *does* attempt to 'teach' the Athenians, he must struggle against their resistance. Thematic verbal echoes reinforce the interaction. From 4 we know the content of his message: the inhabitants are unable to κατέχειν κόρον (4.9), but *Eunomia* παύει κόρον (4.34). *Athênaiôn Politeia*'s summary of 4a says, 'then he advises them collectively to stop (καταπαύειν) their desire to triumph'. Poem 4a evokes and repeats the analysis of 4 but presents Solon as communicating it to the inhabitants, who fail to accept it.

Athênaiôn Politeia next quotes both fragment 4c and, indirectly, 4b as lines from a (different?) elegy in which Solon attacked the rich for greed and repeatedly laid the blame for faction on them. According to *Athênaiôn Politeia* 5.3, Solon says at the beginning of the poem that 'he fears [their] love of wealth (?) and [their] arrogance (ὑπερηφανίαν)' (fr. 4b). This poem would be unique in the extant corpus if it attacked only one side.[27] However, Plutarch, in *Solon* 14.2, reports that Solon says he was 'hesitating at first to take control of the state and fearing the love of wealth of the one group and the arrogance of the other'. In this case 4b–c would be similar to 4a. It is possible that *Athênaiôn Politeia* and Plutarch had different versions of the poem.[28]

We can see from the opening just quoted that Solon again begins with a confession of his emotion, fear in this case. Surely it is fear on behalf of Athens, for this persona does not experience personal danger. In lines from the body of the poem, he describes one faction as follows (4c):

> ὑμεῖς δ’ ἡσυχάσ̣αντ̣ε̣ς̣ ἐνὶ φ̣ρεσὶ καρτερὸν ἦτορ,
> οἳ πολλῶν ἀγαθῶν ἐς κόρον [ἠ]λ̣άσατε,
> ἐν μετρίοισι τί̣θ̣ε̣σ̣θ̣ε μέγαν νόον· οὔτε γὰρ ἡμεῖς
> πεισόμεθ’, οὔθ’ ὑμῖν ἄρτια τα[ῦ]τ̣’ ἔσεται.

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[27] Except possibly 34; see n. 44 below.

[28] 'Poem' in this sentence should be in parentheses, for elegy is especially adaptable to contraction and pastiche. Jaeger (1966 [1926]) 78–79 thinks that Demosthenes could not have quoted more than 4.1–16 in his attack on Aeschines, for otherwise the poem would have contradicted his point (although see Rowe 1972 for a different view).

> but you (pl), calming the strong heart in your breast, you who have driven toward excess of manifold goods, place your great intentions among moderate things; for neither will we yield to persuasion / suffer, nor will these things be appropriate for you (pl).

Unique to this poem is the first-person plural pronoun ἡμεῖς. If Solon is the speaker then here alone he associates others with him in his project of reform. However, Ewen Bowie has suggested, on quite other grounds, that Solon is quoting the address of one side to the other (to be countered by the other side's demand).[29] 'We' and 'you (pl.)' would then be the factions' language. This idea only works if both factions are represented, that is, only for Plutarch's version of fragment 4b. The evidence is far too scant to inspire confidence, but Bowie's construction does align the speaker's stance with that in other poems: Solon is again set apart in his fear for the community, while observing the two factions as they face off. It also produces a nice correlation between Solon's expression of fear and a vivid image of their aggression against each other. Whereas he fights them both in fragment 4a, here he would be showing the danger their intransigence poses on its own terms. On the other hand, with *Athênaiôn Politeia*'s version, there are only two sides, Solon's and that of the rich. In that case the lines must be Solon's own speech on behalf of his faction, and we have to say that we have a variant of the persona.[30]

Whether Solon speaks or at least one faction uses Solonian language against the other, verbal echoes link this poem with 4. A form of ὑπερηφανία is found in 4.36 as well as in fragment 4b. In 4.6–10, the leaders do not know how to 'restrain *koros*' or enjoy present pleasures in orderly fashion in the peacefulness (ἡσυχίη) of a banquet. In 4c the speaker addresses those who have pursued *koros* and tells them to pacify (ἡσυχάσαντες) their hearts. The advice is consistent, but echoes also point to conceptual trouble: the word ἄρτια ('perfect', 'suitable') appears twice in the description of *Eunomia* in 4 (ll. 32 and 39) as well as here, but whereas in 4.32 Solon depicts *Eunomia* as rendering everything *artia*, here the interlocutors no doubt do not agree as to what is *artia*.

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[29] Bowie (1986) 20. His argument has to do with Solon's not being of the 'middle', where *Ath. Pol.* places him on the basis of these lines.

[30] With Plutarch's version the opposition of 'you' and 'we' is harder to understand, for Solon cannot mediate between quarreling groups if he represents an interest group of his own. Fragment 4c seems to suit *Ath. Pol.*'s version but not Plutarch's.

Poem / fragment 4 and fragments 4a and 4b–c are conceptually located before Solon's reforms and together raise the question of how to implement an *Eunomia* that is grounded in persuasion and the people's own change of behavior. As a set they describe the theory, efforts at implementation, and others' response. The persona's repeated self-reflexive expressions of perception and emotion invite us to embrace his view of things in sympathy with him, while the varied perspectives he offers on the people's inability to embrace his ideal combine to paint a damning portrait of them. The interaction of poems firmly associates the inhabitants with *koros* and unwillingness to stop (παύειν) their greed, which makes them unpersuadable.

Another set of fragments is located after the reforms and explores the question from a different angle. These add further depth to the persona. For this persona, reforming itself is not the subject; that he accomplished as though he were a god—simply doing it, according to his narrative. The question focused through the persona continues to be how to institute an *Eunomia* that requires changing people's behavior, but now he fends off criticism rather than corrupt efforts to influence him. Repetitions and allusions provide links to the 'earlier' figure of the pre-reform poems, and Solon's self-references now include speaking about his own earlier speech. These techniques induce the implied audience to identify the reforms with Solon's vision of *Eunomia* and the factions' reaction after reform with their attitude beforehand. His expressions of emotion are replaced by self-reflexive observations, ironic or righteous, about the gap between his character and the inhabitants' perceptions.

The longest and most complex of these is 36, a complete poem or large fragment in iambic meter.[31] As preserved, poem 36 begins with a strategy for positioning the implied audience similar to that of 4. Just as 4 opens with 'our' but soon shows that Solon's fellow inhabitants are not included, so 36 opens with 'I' and addresses Solon's contemporaries, but soon appeals to the future. *Egô* is the first word, and it introduces a question that Solon challenges his critics to answer (1–2): 'I—of those things for which I brought together the *dêmos*, which

[31] The poem opens with ἐγὼ δέ ('But I'). Most take this as the first line, but Mülke (2002) ad loc. denies that it can be and suggests that a reference to another lawgiver perhaps preceded. He also observes (361) that the focus on 'I' in its relation to contemporary history is without parallel in early Greek iambic poetry and has good comments (366–367) on the remarkable character of the poem. For a complete text of the poem, see the Appendix to this volume.

of them did I stop before accomplishing?'[32] The *dêmos* must here, as in line 22, be all the citizens. The rhetorical question would seem to be directed at the citizens who criticize Solon, which would make them the implied audience. But in line 3 the speaker uses a potential optative to express hope that Earth will be a witness to his accomplishments 'in the judgment of time'. By itself the hope does not change the speaker's addressees, but when he uses the indefinite ποτε in line 5 ('… black Earth from whom I *once* removed the boundary stones …'.), he shows that he has projected himself into the future.[33] His defense continues as a first-person version of Earth's testimony as it will be realized 'in the judgment of time'.[34] The implied audience is invited to join the act of bearing witness by affirming Solon's acts, which separates it from the critical or complaining chorus of his fellow citizens.[35] In other words, the implied audience deduces from the rhetorical question that Solon's contemporaries do not think he has carried through his reforms but itself concurs that he has done so.

Together with the implied audience, the speaker distances himself from his contemporaries and represents himself as (he claims) the future will see him. The rest of the poem takes up three themes in turn, all of which have been highlighted in fragments 4 and 4a and/or 4c: slavery, the actions of *Eunomia*, and fighting both factions. The theme of slavery occupies lines 36.7–15. In line 7 Solon describes the earth as 'earlier enslaved, now free'. His words recall his prediction in 4, for at 4.18 he speaks of the *polis* coming 'into evil slavery'. Slavery in both texts is an emotive description of Athens itself. In lines 36.8–15 he recounts his repatriating and freeing Athenians, which evokes 4.23–25

[32] Vox (1984) 111–113 asserts the metaphoric nature of Solon's bringing together the *dêmos* in the first line, with the verb *anêgagon* in 10 recalling a return from darkness (*anodos*). He also cites Masaracchia (1958) 355 for a description of Solon's 'autarchic' poetic style in this poem without parallels.

[33] French (1984) 11 points out the difficulties with taking this as a reference to debt cancellation. French has a different historical explanation, but given that nothing else in the poem is realistic description—for how could Solon have located and redeemed Athenians long wandering abroad?—I take the boundary stones as an image of greed like the stealing of holy and public possessions in 4.12–13. Cf. Thomas (1989) 55–59, esp. 56–57, where she concludes that use of mortgage *horoi* began in the classical period as an adaptation of boundary stones.

[34] Cf. *Dikê* in 4.15–16, who 'silently is cognizant of the things done and happening earlier and comes *in time* with certainty to take revenge' (ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα, / τῶι δὲ χρόνωι πάντως ἦλθ' ἀποτεισομένη).

[35] In Stehle (1997) 257–261 I argue that 36 'monumentalizes' Solon as though he were a written *stele* on which his program is summed up.

where he predicts that (as a result of *Dysnomia*) 'many of the poor come to another land, sold as slaves, bound with shameful chains'. In both passages (4.25, 36.9) the participle πραθέντες/ας ('sold') occurs. Our assent to his self-vindication is greatly deepened by these intertextual references. Putting the passages together, we recognize again (as in 4a) that the Athenians did not listen to Solon before his prediction had come true.

Lines 36.15–20 shift from undoing slavery to bringing justice and recall *Eunomia* in 4; in this section *eutheian dikên* ('straight justice') at line 19 echoes 4.36, where Solon says that *Eunomia euthunei dikas skolias* ('straightens crooked judgments'). When he introduces this theme in lines 15–17, he adds a new element in a summarizing asyndeton: 'I did these things by force, fastening together violence and justice'—a remarkable pairing![36] Whereas in 4 Solon adds *Eunomia* after the asyndeton, here he adds violence (βίη) to delineate the solution. Several scholars have attempted to justify or play down Solon's using violence, but that approach ignores the startling effect of the rhetoric.[37] The speaker's use of *biê* for his own actions signals the failure of *peithô* ('persuasion') and challenges the implied audience to recognize from the pre-reform poems that Solon has tried the non-violent method.[38] As Fabienne Blaise points out, he here elevates himself to the level of Zeus.[39] There is an interesting parallel in Aeschylus' *Eumenides* (794–915): Athena persuades the Erinyes to settle in Athens but threatens violence in passing (826–831) when they seem disinclined to yield to her words. Athena does not have to follow up on the threat, but Solon has no choice. The speaker's final clause in line 36.17, 'I carried through as I promised', answers the opening question and employs his self-reflexive habit to underline his consistency. Solon's final word in this section (20)

[36] Hesiod, *Op.* 275–281, contrasts violence and justice as the characteristics of humans and beasts respectively. See the discussion in Mülke (2002) 386–387.

[37] E. g., Linforth (1919) 187 at 16 says that the line is an apology of the lawgiver for resorting to force at all. Almeida (2003) 88–89, 93–94 reviews two earlier attempts to justify it; at 226–228 he emphasizes *kratos*, legitimate, conferred power, in an effort to neutralize *biê*. Vox (1984) 131–135 sees Solon as alluding to an ambiguous operation: the work of the nomothete forcibly alters the 'natural'. Cf. Loraux (1984) 202 and 206 on Solon's use of Homeric war imagery to speak of his reforms.

[38] Cf. Plato, *Leg.* 722 bc, where the Athenian stranger argues that legislators should combine *biê* and *peithô* in making laws 'to the extent possible in the face of a mass lacking education'.

[39] Blaise (1995) 29; she goes on to consider the connection with Solon's writing laws.

is 'I wrote', followed by a full stop, as if by writing he could encode his clarity of conception.

But line 20 is not the end of the poem; a third section (20–27) brings up the problem of factions and evokes 4a as well as 4. Slavery and factions appear in separate parts of the poem, as two different ways of looking at the effects of grasping behavior, one reversible, the other not. 'Another taking up the goad as I did, an evil-minded and possession-loving man', the speaker says (20–22), 'would not have restrained (κατέσχε) the *dêmos*'—which includes all the citizens since it contains both groups mentioned in the next lines. By juxtaposing ἄλλος ὡς ἐγώ ('another as I') in line 20, Solon reiterates his emphatic 'I' from the opening but now sets it in opposition to any of the other inhabitants, who all, as we know from 4.9, are unable to 'restrain excess' (κατέχειν κόρον). His *egô* is a mark of isolation. His final sentence (36.26–27) picks up the idea of 4a but changes the image: 'providing protection from all sides, I twisted like a wolf among many dogs'.[40] Startling and deliberately self-contradictory, the wolf—wild, solo, snapping rather than speaking—is utterly wrong as an image of providing protection.[41]

Solon's actions in implementing *Eunomia* are presented in a series of images that make it increasingly problematic a project. The first section twice (36.7, 15) contains the potent word *eleutheros* ('free') and depicts his reforms in entirely positive light as rescue of citizens from slavery. The second section joins justice with *biê* and describes it as a fastening and fixing on all. The third section introduces violent animal imagery with *kentron* ('goad') in line 20 and describes the citizens (in the person of *allos*) as possession-loving and factionalized. It reaches its culmination in the image of the wolf among dogs. The difference between the beginning and end of the poem can be measured in Solon's positioning of the *dêmos*: in the first line he 'brought together the *dêmos*' and in line 22 he (implies that he) 'held back the *dêmos*'. It is as though Solon's effort to

[40] Line 36.26 is often taken to mean 'providing protection for myself', taking the middle verb as reflexive. I do not think that is right since Solon never appears to be in personal danger. The middle is that of one who has personal concern for the action.

[41] Anhalt (1993) 125–134 explores associations for dog and wolf in Homer and elsewhere. She shows that the wolf is a figure for the exile and the anti-civilized. But her interpretation, that the wolf is an image of a scapegoat against whom all can unite, clashes with the spatial mapping of scapegoat rituals: strong directionality from inside the city to outside. For Greek scapegoats see Bremmer (1983). Loraux (1984) 207 takes the single wolf as the image of a tyrant; Solon, however, is only 'like' a wolf.

save Athens meets with increasing resistance as he proceeds and drives him to greater use of force to impose *Eunomia* until his heroic protection of all ends in making him savage. All along its path this remarkable poem picks up themes and vocabulary from 4, inviting us to treat them as companion pieces: the ideal and the institution of *Eunomia*.

The image of the wolf at the end returns us to the beginning, for the speaker's angry rhetorical question suggests that he is still a wolf facing a circle of dogs.[42] His aggressive tone *enacts* the image of the wolf circling among dogs, so the last line gives us a visual analog for his stance at the beginning. At the end he is resisting others' persuasion, at the beginning their criticism. For us, the implied audience positioned in the future, Solon's success in instituting reforms is a given, signaled by the aorist tenses he uses to record all his actions. But simultaneously we see the failure of imposed *Eunomia* to change the inhabitants' basic attitudes, for their self-interested solicitations at the end seamlessly become their accusations at the beginning, and Solon cannot stop circling. The poem itself seems to circle like a wolf around the central problem of persuading others to restrain themselves rather than blindly promote their own desires.

In 36 Solon mentions his proceeding as he promised, but fragment 34 in trochaic tetrameters is the most important example of Solon's self-reflexive statements about his own speaking.

> οἳ δ' ἐφ' ἁρπαγῇσιν ἦλθον· ἐλπίδ' εἶχον ἀφνεήν,
> κἀδόκ[ε]ον ἕκαστος αὐτῶν ὄλβον εὑρήσειν πολύν,
> καί με κωτίλλοντα λείως τραχὺν ἐκφανεῖν νόον.
> χαῦνα μὲν τότ' ἐφράσαντο, νῦν δέ μοι χολούμενοι
> λοξὸν ὀφθαλμοῖς ὁρῶσι πάντες ὥστε δήϊον.
> οὐ χρεών· ἃ μὲν γὰρ εἶπα, σὺν θεοῖσιν ἤνυσα,
> ἄλλα δ' οὐ μάτην ἔερδον, οὐδέ μοι τυραννίδος
> ἁ̣ν̣δάν̣ει βίηι τι[..].ε[ι]ν, οὐδὲ πιεί[ρ]ης χθονὸς
> πατρίδος κακοῖσιν ἐσθλοὺς ἰσομοιρίην ἔχειν.

> Those on the other hand came for chances to grab. They held a rich hope, and each of them expected that he would find great wealth and that though I coaxed gently I would reveal a harsh mind. They thought empty things then, and now they all look sideways at me with their eyes as an enemy. They shouldn't, for what I said, I accomplished with the gods, and I did not do other things (since they would be) in vain,[43] nor

[42] For the genre of the 'angry speech' see Lardinois (2003).

[43] I take οὐ with the verb rather than μάτην in line 7, along with West (1993) 80 and Mülke (2002) ad loc., and translate as the latter suggests.

> does it please me to [do] anything with the violence of a tyrant nor that the good should have an equal sharing of the rich earth of the fatherland with the bad.

It opens with οἱ δέ ('those on the other hand'), which could indicate that a section blaming οἱ μέν ('those on the one hand') preceded. *Athênaiôn Politeia* 12 identifies οἱ δέ as the people who wanted a distribution of land.[44] In line 3 Solon describes himself as κωτίλλοντα. Though its connotation of 'beguiling' may represent the view of the disgruntled, nonetheless it suggests, along with his adverb λείως ('gently'), that he spoke coaxingly in order to implement *Eunomia*'s function of smoothing the harsh (τραχέα λειαίνει, 4.34). This is the first in the list of *Eunomia*'s effects in fragment 4, followed by παύει κόρον. We are invited to see that Solon's persuasion began by trying to smooth out the harsh attitudes of the factions with solicitous speech, in hopes of inducing the behavior of *Eunomia*. But the factioneers simply interpreted his words as hiding a harsh (τραχὺν) mind. They left Solon with no choice but to move on to violent imposition of *Eunomia* (παύει κόρον). These lines give us another key to the *biê* of fragment 36. But to counter their notion that he spoke beguilingly, he also asserts, as in 36 but in even plainer language, that 'what I said, I accomplished with the gods'.

We the implied audience put these cross-references together to appreciate Solon's whole project, which the disaffected do not. Moreover, having deluded themselves, those are now 'all look[ing] sideways at me with their eyes as an enemy', which explains their criticism in fragment 36. Solon, on the other hand, can read their minds. He reveals to us alone what he perceives, but he does not now link it with an emotion; he shows us instead the difference between his own character and how his fellow inhabitants perceive him. Our sympathetic understanding of the distance between his heroic, self-restrained desire to bring *Eunomia* and the view of him that his contemporaries generate from their own blind greed is at the heart of this persona's relationship with us, its implied audience. And finally, the fragment is a clear example of the way in which the poems tie together the pre-reform and post-reform persona by referring to the persona's earlier speech. It also connects

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[44] On another construction, οἱ δέ could contrast with Solon. Noussia (2001) ad loc. thinks that an account of Solon's intentions and results in a politics of conciliation could have preceded. That would leave the poem seemingly directed at the poor. If so, then perhaps here and in the case of 4c, *Ath. Pol.* (or its source) makes use of poems designed to reveal a historical trajectory, Solon's blaming first the rich, then the poor. His being of the middle is then affirmed over time.

Solon's reforming with the issue of tyranny, but I will discuss that aspect below with the other poems on tyranny.

Two more fragments, the elegiac 5 and the iambic 37, both quoted in *Athênaiôn Politeia* 12, belong to this set of poems representing the aftermath of Solon's reforms.[45] Both offer summary statements of Solon's treatment of two factions, the *dêmos* and the stronger, and describe in general terms what he gave to each side. In fragment 5 he claims that neither side lost anything; in 37 he implies that both sides gained. Therefore these two fragments complement 4c, 36, and 34, which focus on Solon denying each side what it wants. Both also repeat the strategy of 36.20–27, combining the speaker's first-person aorist assertion of accomplishment with an overtly self-contradictory image that belies the statement and produces a complex picture for the implied audience.[46]

In fragment 5 Solon recounts what he did in magisterial terms: 'to the *dêmos* I gave as much honor as sufficed …'; for the stronger, 'I devised that they would have nothing unworthy'. In line 3 the stronger have a line to themselves in the nominative, but the speaker reduces them grammatically to recipients of his plan in line 4 and describes their portion in litotes.[47] All seems successful and the mood is positive. The image follows, in line 5: 'I took my stand, throwing a strong shield around both and did not permit either to win unjustly'. The shield correlates with Solon's heroic stance as distributer of prizes; it is reminiscent of Ajax's tower-shield in the *Iliad*.[48] As such, it resembles the finale that 36 should have, reflecting the triumph of *Eunomia*. Indeed, apart from the meter it would follow well after 36.26 on Solon's providing protection from all sides. It also expresses Solon's meaning perfectly, for the shield itself represents Solon's protecting

[45] For a complete text with translation of fr. 5 see Irwin's contribution to this volume, p. 44, and for fr. 37 the Appendix to this volume.

[46] Linforth (1919) comments that the images of the shield and the boundary-stone are respectively a little vague (180) and a little inharmonious (195). Anhalt (1993) 120 remarks that *all* the similes and metaphors involving Solon's person are odd in some way and says (125) that they emphasize Solon's vision of his own isolation and the unprecedented nature of his efforts. She has a good discussion.

[47] Vox (1984) 145–146 points out that Solon is not impartial in fr. 5 but rhetorically favors the stronger. That is less true than he says, but does describe the overall impression.

[48] See *Il.* 7.219–223 for description of it 'like a tower.' In *Il.* 8.266–272 Teucer shelters behind it between shots with his bow. Cf. also Irwin's contribution to this volume, on the 'monarchical' or 'tyrannical' stance of Solon in this poem, and Martin's contribution on Solon's use of metaphor.

each side, while his throwing it around each side represents the unifying effect his reforms should have. And yet, when the two ideas are combined the shield turns into a möbius strip, for in order to make the same image convey both ideas the speaker must pretend that the outside of the shield is simultaneously its inside.[49] To put it another way, shielding one group against the other leaves the other outside the shield, but since each faction is inside a shield held against the other, the speaker combines the two insides into one and drops the outsides out of the picture. He thus attempts visually to bring closure to the representation in 4a, 'he fights and disputes with each on behalf of each', or to reverse Solon's wolf circling inside a ring of dogs in 36.27. Yet his image simultaneously acknowledges through its visual self-contradiction that it cannot be done and exposes the optimistic tone as fantasy.

Fragment 37 expresses the same contradiction in a different mood. *Athênaiôn Politeia* quotes it in two sections with a break in the first section and a summary statement connecting them. As in fragment 5 the speaker identifies the two factions as the *dêmos* and the more powerful. To each, he says, he gave benefits that should make them happy, yet the reckoning is expressed in optatives and hints that neither side is grateful: 'If I must openly blame the *dêmos*, they would never have seen, even in a dream, what they now have (37.1–3) …' (if it weren't for me). As for the stronger, he claims that 'they might (rightfully) praise me and make me a friend' (37.5), but the potential optative casts doubt. The mood could be described as wistful disappointment; it reluctantly acknowledges the gap between Solon's perception and the factions'. It has some of the same quality of confession to an implied audience that fragments 4 and 4a do.

If another man had taken on this office … (says the prose paraphrase), 'he would not have restrained the *dêmos*' (37.6). It is the same phrase as in 36.22 and invites comparison, along with the final image: 'I, as if in the empty space between these army-lines, took my stand, a boundary-stone' (37.9–10). Like 5, this looks like an "improved" alternative ending for 36: Solon replaces the boundary-stones pulled up with himself as the one common *horos*. Yet the speaker describes himself as boundary-stone in the empty space between armies. Boundaries are what armies fight over, for a boundary-stone cannot enforce

[49] Cf. Mülke (2002) ad loc. for bibliography on efforts to explain away or rationalize the image.

its own claim.[50] In *Iliad* 12.421–423, to give an example, the image of men quarreling over boundary-stones is a simile for armies fighting over a wall; Fabienne Blaise, who cites this passage, points out that boundary-stones are a source of conflict.[51] Solon's image therefore denies the finality of his action and acknowledges that, while he may vigilantly act as boundary-stone, no boundary-stone can replace him.[52]

Each image shows Solon having acted and suggests that his action does not bring closure. Each makes the point in a different spirit. Fragment 5, with its confident tone, offers a fantastical image of unity. Fragment 37, with its wishful tone, presents an counterintuitive image of mutual restraint. And 36.26–27, with its defiant tone, generates an angry image that contradicts the goal of reform. All imply that Solon could not depart and leave his laws behind to replace him. The circling wolf, the active boundary stone, the hero with the trick shield have to remain on the scene to enforce compliance with the system. These images are self-reflexive statements by the persona. In each case he presents the image as his view of his position vis-à-vis both factions. As revelations of his thought they are similar to what I have called his "confessions", but their effect is not to create intimacy; instead they reveal his inner consciousness indirectly. They give a double message, that he did carry out his reforms and that the reforms did not produce *Eunomia*. Solon searches for a way to picture his actions as definitive, but whatever the mood he adopts, his image betrays his ironic recognition of the truth. The interplay of the three images and their collective contrast with the confessions of the pre-reform Solon allows the

[50] Cf. Cole (2004) 178–180 on *horoi* in dangerous borderlands between states. Mülke (2002) ad loc. discusses the image, suggesting that Solon's act made the 'land between armies' into a defined space. He does not consider the precariousness of such a position between armies. See also 398 on the "distance" and isolation of 'I' in these lines.

[51] Blaise (1995) 31–32. Though she adduces this passage in connection with the beginning of 36, she applies it to the end of 5 also as a parallel to the wolf (36). Her overall argument is that Solon replaces Zeus as guarantor of justice, so he must remove himself from society in order to impose the new order, risking hostilities until he is vindicated by the return of fertility (the *dikê* of time in which earth with testify).

[52] Loraux (1984) 206 observes that Solon characterizes his position as an *adynaton*. Likewise, in fr. 5 the solitary hoplite, she says, is a paradox—though there Solon may be thinking of a Homeric warrior. In 211–213 she explains the meaning of the *adynaton* as Solon marking a temporary space-time between armies in order to denominate the public space of the city, which belongs to no one, though he knows that such a space is at that moment still impossible. This brilliant associative interpretation is one that only the implicit audience of the future would be able to divine.

implied audience to measure his integrity and the inhabitants' corruption against each other and grasp the depth of their incommensurability.

There is a final set of poems that presents a third facet of the persona, his opposition to tyranny. He rejects it for himself and warns against Pisistratus. These are important in offsetting Solon's *biê* in 36.16. Fragment 34, already discussed, makes the contrast explicit. It juxtaposes a statement that recalls the *biê* passage in 36.15–17 with another rejecting tyranny: 'what I said, I accomplished with the gods … nor does it please me to [do] anything with the violence of a tyrant' (34.6–8). Since he raises the issue, we could guess that the 'harsh mind' the one faction expected him to reveal (34.3) was precisely seizing the city as tyrant. But he did what he said he would do, so his *biê* is associated with his *refusing* to do what either faction wanted. Tyrannical *biê* is associated with favoring one faction, as *Athênaiôn Politeia* 11.2 confirms in the course of describing everyone's disappointment with Solon's reforms: 'Solon opposed both sides, and, although he could have held the tyranny by joining whichever side he wished, he chose to become hateful to both while saving the fatherland …'.[53]

In fragment 11, the only other extant passage to use the second person, he speaks to an unspecified you plural to tell them it's their own fault if they are suffering from evils inflicted by those to whom they gave excess power: 'and on account of these [actions] you have evil slavery' (11.4).[54] Diodorus, who quotes the lines, says that they represent Solon's reaction to Pisistratus' seizing power. Again, Solon uses slavery as the opposite of practicing restraint. Like 34, these lines also invite us to compare Solon with the tyrant, for Solon predicts slavery for the inhabitants in fragment 4 and rescues them from it in 36. Furthermore, in 11.6–8 the speaker disparagingly says, 'in all of you is an empty (*chaunos*) mind; for you look to the tongue and the words of a wily man and gaze not at all at the deeds he has done'. In 34 Solon describes the ones who do not believe him as having *chauna* minds. The inhabitants' reaction to the 'wily man' is the opposite of their view of Solon in 34: they believe the former but do not take Solon at his word. Their inability to distinguish the integrity of Solon's speech from the potential

[53] *Ath. Pol.* 11.2: ὁ δὲ ⟨Σόλων⟩ ἀμφοτέροις ἠναντιώθη, καὶ ἐξὸν αὐτῷ μεθ' ὁποτέρων ἐβούλετο συστά[ντ]α τυραννεῖν, εἵλετο πρὸς ἀμφοτέρους ἀπεχθέσθαι, σώσας τὴν πατρίδα …

[54] For a complete text of this fragment, see the Appendix to this volume.

tyrant's cozening adds a layer to the picture of their incomprehension, while Solon as anti-tyrant completes the persona of the observer and reformer.[55]

In fragments 32 and 33, both from Plutarch, Solon's irony and double perspective reach an apogee. To answer those who mock him for not becoming tyrant, he repeats their words. Fragment 33 does nothing more, beginning with, 'Solon is not a deep-thinking or clever man' (οὐκ ἔφυ Σόλων βαθύφρων οὐδὲ βουλήεις ἀνήρ). The implied audience of course sees the absurdity of the mockers' desires, while inferring that the mockers, Solon's contemporaries, do not. In 32 he articulates his self-restraint in renouncing tyranny: 'I think I will be victor over all humans rather in this way' (πλέον γὰρ ὧδε νικήσειν δοκέω / πάντας ἀνθρώπους, 32.4–5). The implied audience assents to the truth of that prediction, which projects it into the future. Finally, an anecdote: Diogenes describes Solon rushing into the *ekklêsia* to announce an attack by Pisistratus. But the *boulê*, packed with followers of Pisistratus, declares him mad. Solon answers (fr. 10): 'A brief time will display my madness to the inhabitants, will display it when truth comes into the middle (ἐς μέσον, into public view)'. Solon speaks as a prophet, using the future tense in a quasi-riddling style, but he prophesies about himself. The story is surely apocryphal, but the prophet prophesying about his own truthfulness after he is labeled mad is the perfect image for one aspect of this persona.[56]

We have now covered all the significant political poems and fragments. Looking back over the discussion, we can see how greatly the three-dimensionality and persuasive power of the persona grow as a result of interactions among poems. Division into three sets of poems gives the persona a history, dividing time before from time after his reform and distinguishing between his actions and the tyranny to come. At the same time, cross-references among sets provide continuity.[57] Repetition of themes and vocabulary across all three sets unifies the per-

[55] In 9, another fragment warning against tyrants, the verb κατασχεῖν is used: 'Having raised someone up too far, it is not easy to restrain him later, but one must notice everything well beforehand' (9.5–6). Here too tyranny causes the *dêmos* to fall into slavery (line 4).

[56] Tedeschi (1982) 42–45 has good observations on the layers of disguise and authority Solon claims in another anecdote, the one on his performance of the Salamis elegy (frs. 1–3). But the political persona is never in disguise.

[57] Cf. the assessment of Linforth (1919) 92–93, who reproduces both the persona's claim to integrity and his description of failure, supported historically by the fact that the tyranny of Pisistratus followed.

sona's moral perception. Indeed, what sets these poems apart from all others attributed to Solon is a sense of struggle generated by their interlocking tensions—tensions between Solon and the other Athenians, rescue and destruction of Athens, persuasion and force, and Solon as reformer and the tyrant—which together lend the poems urgency and suspense. Throughout, the persistent self-reference of the persona in different sets calls attention to the figure of Solon himself and channels the poems' descriptions of the Athenian political situation through a focusing consciousness. He refers often to his own prior speech, and in no case is it heard correctly by others. The Athenians either do not listen to Solon (fr. 4 plus frs. 36, 10) or counter his advice (fr. 4c) or misconstrue his meaning (frs. 34, 32 and 33). He is taken for one more player in the game of grabbing wealth. One could say that the poems constitute the implied audience as the ideal like-minded citizens that this 'Solon' never found.

On the other hand, it is hard to pin down who it is that Solon is accusing in his various poems of blame.[58] The *dêmos* is sometimes all the citizens, sometimes one faction. The opposition to it is sometimes the wealthy, sometimes the nobles or the powerful, and these represent different types in the Greek imagination. *Agathos* and *kakos* are notoriously ambiguous, either social or moral terms. In fragment 36 and (apparently) 34 the factions are just the one group and the other group. *Athênaiôn Politeia* 12.3 identifies οἱ δέ in 34 as the poor who want land redistribution, but that may be a guess, based on the reference to 'earth' in line 8. Sometimes the grammar does not make clear who is the subject. In fragment 6 Solon asserts that the *dêmos* should be neither given too slack a rein nor constrained too much, for *koros* gives birth to hybris when great wealth follows men whose mind is not sound. Is he explaining why the *dêmos* should not be given too much leeway or why the stronger should not be allowed to constrain it? The effect of the indefiniteness is to blur a sense of a specific social conflict in favor of a perception that any set of polarized interest groups will generate the same impasse for the polity.

[58] Anhalt (1993) 95–101 discusses this. As Adkins (1985) 124–125 observes, Solon 'produce[d] a remarkably sustained series of ambiguities'. For interpretations, cf. e.g. Linforth (1919) 9 for the idea that Solon blames the rich earlier, the poor later; Rhodes (1993) 124 and 172 at 12.1 for his blaming the rich earlier, both sides later; French (1984) 7 on the confusions and the impossibility of mapping Solon's descriptions onto a plausible historical situation.

I contend, based on these qualities, that the persona of the political poems is not the product simply of a gathering of political poems composed on various occasions by the real Solon over a period of time, as Linforth's view, cited at the beginning of the essay, implies. The persona is too abstract, repetitive, detached, and isolated to represent responses to a series of specific and shifting situations in a period of turmoil. The real Solon must have spoken to the Athenians. He must have had allies and spoken generously of and to them for persuasion's sake. It is therefore time to consider the nature of the collection and the social contexts in which it might have operated.

The Collection

The persona I have been reconstructing is the product of a small number of poems preserved by a few authors. The other poems preserved under his name do not contribute anything of significance or even touch on the themes found in these poems.[59] That it is a specialized representation of Solon is suggested by the fact that it appears in such a limited number of sources: aside from *Athênaiôn Politeia* the political poems are found mainly in Demosthenes 19 and Plutarch, with Diogenes Laertius and Diodorus contributing snippets. Most of the poems are quoted or referred to by more than one of these sources. Plutarch includes many of the same poems as *Athênaiôn Politeia* does, but he is not just quoting from *Athênaiôn Politeia* because he preserves some lines that the latter does not. P.J. Rhodes posits a common source for *Athênaiôn Politeia* and Plutarch.[60] Poem 4 is quoted only by Demosthenes, but it shares vocabulary with the lines and context in *Athênaiôn Politeia* that constitute fragments 4a–c and is thoroughly imbricated with 36.[61] Plutarch alone cites fragments 32 and 33 on Solon's refusing to be tyrant, but *Athênaiôn Politeia* 6.3–4 refers to Solon frequently 'witnessing'

[59] Poem 13 does begin with a somewhat harsh view of divine revenge for wrongdoing, quite different from the treatment of it in 4, but then the poem goes off on another train of thought. The rest of the poetry in West's edition, except 1–3 (the Salamis Elegy), 19 addressed to Philocyprus, king of Soli in Cyprus, 22a referring to Critias, and the suspect 31 praying for success of the laws, is generic.

[60] See Rhodes (1993) 24 and 28 for this view and the conclusion that the source is probably an *Atthis* or a separate work on Solon.

[61] The poem does not appear in S and L, the best manuscripts of Demosthenes, and only a few lines appear in A, according to Butcher (1903) ad loc. The full poem is given in the other mss. Cf. Linforth (1919) 194.

in his poems that he could have been tyrant. This niche collection and its persona therefore appear full-blown in the fourth century in contexts evoking early Athenian history. How do we account for this?

The idea of social memory can help us here. In recent work on Herodotus' sources and Athenians' view of their past some scholars have emphasized the role played by "local knowledge", or social memories, narratives preserved or elaborated because they help define a group identity.[62] The narratives forming social memory are in part oral and evolve over time as identity attaches to different issues. A good example is the episode of Harmodius' and Aristogiton's slaying of Hipparchus: it became a myth of liberation from tyranny and found its way into skolia sung in symposia, public art, and political discourse.[63] Thucydides (1.20, 6.53.3–59.4) attempts to correct the record, but Harmodius and Aristogiton nonetheless continue their career in a mythicized narrative of liberation.

One indication that poems attributed to Solon were taken up at a certain point by a particular formation of social memory is Critias' comment in Plato's *Timaeus* (21b). He says, in describing a particular Apatouria of his youth, that many boys sang the songs of Solon, *since they were new at that time*. The Apatouria was the festival at which fathers introduced their sons to the kin network of the phratry and had them enrolled in its ranks.[64] The subordinate clause has caused puzzlement: the time referred to must be in the fifth century, so how could Plato call Solon's poems new, even if he was inventing the whole conversation?[65] Whether or not he was making a sly comment on the family tradition (on which see below), Plato seems to be suggesting that certain poems attributed to Solon suddenly came into vogue among prominent families in Critias' phratry in the context of celebrating family descent. Quite possibly they were praise poems such as Critias also mentions, for these could reinforce the standing of aristocratic families in the eyes of other phratry members at a time of increasing democracy.

[62] See the essays collected in Luraghi (2001a), especially his introduction, Luraghi (2001b).

[63] See Thomas (1989) 238–261 on the tradition about the tyrannicides.

[64] Lambert (1998) 152–178.

[65] Davies (1971) 325–326 rejects earlier explanations (including Linforth 1919, 11) and offers his own in terms of Plato's desire to shorten the number of generations and emphasize the antiquity of the story at the same time. Thomas (1989) 170 suggests that two generations had dropped out of the family memory, while the remote ancestors Dropides and Critias were remembered because they were mentioned in Solon's poetry. Nonetheless, Plato did not need to specify that Solon's poems were new at that time.

Plato includes a hint to this effect: in the reported conversation between Critias' grandfather Critias and another member of the phratry, the latter says to the elder Critias that Solon was the wisest in other respects and in his poetry the most freedom-loving of all poets, 'either because he thought so at the time or *to curry favor* with Critias'.[66]

Moreover, as has been noticed, *Athênaiôn Politeia* reveals that there were competing (and evolving) fictional anecdotes meant to define Solon's character. The best example is the story about some of Solon's associates enriching themselves because he told them in advance that he intended to cancel debts (6.2–4).[67] *Athênaiôn Politeia* rejects the idea that Solon committed fraud along with his friends in favor of the 'democratic account' that they betrayed him—which must be a retort to the first story. The story does not refer to Solon's poems, but in his defense *Athênaiôn Politeia* adduces poems that mention his refusal to become tyrant and so prove his upright character. Therein one can see the poems being used to support a particular construction of 'Solon'.

Applying the idea of social memory to the various records about Solon, I think we can distinguish three configurations of 'Solon', each supported by a set of poems, that belonged to different groups and served different interests.[68] The first is the traveling wise man and lawgiver. He appears first in Herodotus (1.29), who calls Solon a *sophistês* ('wise man') and says that he made laws for the Athenians at their bidding then traveled abroad, ostensibly for sight-seeing / religious attendance (*theôria*) but really in order to avoid changing any of his laws.[69] Herodotus uses him to mount a paradigmatic encounter with a king, Croesus, in which he contrasts Greek civic and Near Eastern royal outlooks.[70] Although Herodotus makes no mention of Solon's poetry in this context he may allude to one poem on human life, and elsewhere

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[66] Plato, *Tim.* 21b: εἴτε δὴ δοκοῦν αὐτῳ τότε εἴτε καὶ χάριν τινὰ τῷ Κριτίᾳ φέρων.

[67] Rhodes (1993) 128–129 at *Ath. Pol.* 6.2 relays a 'plausible' suggestion that the story was made up to discredit descendants of the named alleged profiteers. See his whole discussion and the contribution of Gehrke to this volume.

[68] Solon as the hero of Salamis may represent another tradition; it is mentioned as early as Cratinus, according to Diog. Laert. 1.62. Or it may be part of the wise lawgiver tradition discussed just below.

[69] Cf. Oliva (1988) 14–17 on Solon as a wise man in Herodotus. Harrison (2000) 36–40 compares various Solonian poems to Solon's sayings in the *Histories* but adduces only non-political poems, esp. the generic 13.

[70] See Kurke (1999) 146–151 on the implications for *polis* culture of Solon's replies to Croesus.

(5.113) he refers to Solon's elegies for his host Philocyprus of Cyprus, poetry appropriate precisely for a wise man and traveler.[71] However, Herodotus does not refer to Solon when he sketches the recent history of Athens in connection with Croesus' inquiry about the city, even though he mentions the good laws that obtained before Pisistratus took over the city (1.59). Instead, another wise man, Chilon of Lacedaemon, appears to warn Pisistratus' father not to have children. Thucydides, who is skeptical of narratives of social memory (as witness his treatment of the tyrannicides), does not mention Solon. For these two historians, Solon does not appear to have been linked to a narrative of contested social and political reform. Indeed, James Ker has suggested that Herodotus' word *theôria* to describe Solon's travels retrospectively associates Solon's law-giving with oracular pronouncements, just as Lycurgus is said to have received his laws from Delphi.[72]

A second configuration of 'Solon' is found in Plato. In his *Charmides* (157e = Solon 22a West) Plato has Socrates say that Critias' ancestral house was praised by Anacreon and Solon and many other poets. Again in *Timaeus* (20e), in the passage referred to earlier, Plato makes Critias remark that Solon often mentioned his kinship and friendship with Critias' great grandfather Dropides in his poetry, and Proclus supplies a couplet of mild praise (fr. 22a).[73] According to this Critias, his grandfather Critias had heard the story of Atlantis from Solon personally. In the dialogue *Critias* (113b), on the other hand, Solon's inquiry is said to have been preserved and handed down among Solon's papers. In the *Lysis* (212e) we find a couplet attributed to Solon that belongs in a symposiastic context: 'He is blessed who has dear sons and single-hoof horses and hunting dogs and a foreign friend' (fr. 23).[74] This is a family tradition, a kind of social memory that has been

[71] Herodotus may portray Solon as alluding to his poem (27) on the ten ages of humans, unless his figure's reference to seventy years (1.32.2) caused the poem to be attributed to him, an equally likely sequence.

[72] Ker (2000) 315 and 319. For Lycurgus see Plut. *Lyc.* 5.3 and 6.1; cf. 13.6 for Lycurgus calling his decrees *rhetrai* as being obtained from the god and being oracles.

[73] See Lardinois' contribution to this volume, p. 21, for the text of this fragment. For Solon's rather vague relationship with the family of Critias and the problems see Davies (1971) 322–323. For the whole family, including Plato, see 322–335 (no. 8792).

[74] The word translated as 'sons' (παῖδες) could also mean 'boys' as love objects, but since this is not an explicitly erotic couplet the first translation is the safer one. Cf. Linforth (1919) 176–177 for discussion of these same lines in Theognis 1253–1254, where two additional lines (1255–1256) make the first two definitely erotic.

studied by Oswyn Murray and Rosalind Thomas.[75] This configuration of 'Solon' makes him an aristocrat who participated in the sixth-century symposiastic culture, with its creation of solidarity through exchanges of praise and often erotic celebration of upper-class life.[76] Plato was Critias' nephew, so it is his own family tradition that he alludes to. And as mentioned above, Plato puts a comment about Solon's poems being new in the fifth century into Critias' mouth. I think it entirely possible that Plato is dropping a clever hint about the nature of this tradition, namely that the material on which it rested grew over time, so that new poems of Solon's praising the family did surface, so to speak, in the fifth century. Since Plato was about to add the story of Atlantis to the works of Solon putatively preserved within the family, it seems appropriate that he should indicate what kind of tradition—one of fabrication—he was working in.

These two constructions of 'Solon', although not incompatible, are very different in content, location, and likely origin. The wise man and the lawgiver were popular characters in archaic Greece, representing developing aspects of life at the time. The two figures overlap, but Solon is the best example of the combination, the wise lawgiver. He was always included in the group of Seven Sages once that arrangement became canonical.[77] Sayings and moralizing wisdom poetry such as is found in the Theognid corpus attached themselves to him (e.g., frs. 6.3–4, 15, 24).[78] As for the lawgiver, Andrew Szegedy-Maszak has studied the narratives of the early lawgivers and uncovered a pattern of the lawgiver traveling to gain knowledge and disappearing or dying after

[75] Murray (2001 [1987]) 29–30; Thomas (1989) 95–154 and passim, with definition on 98.

[76] Compare Pindar fr. 123, which praises Theoxenus in erotic terms and was probably for performance at a symposium, and Stehle (1997) 253–254 on this poem and its function. Plutarch (*Amat.* 5, 751b) knows of erotic poetry (25) attributed to Solon, and cf. Plut. *Sol.* 1.3, 3.3.

[77] See Martin (1993) on the seven sages. For the popularity of the figure of the wise Solon see Martina (1968) nos. 100–220, testimonia about Solon as a wise man and his encounters with other wise men.

[78] Irwin, this volume, persuasively analyzes the political effect of small differences in the text of elegies attributed to both Theognis and Solon. See also Gutzwiller (1998) 50–51 on epigram collections, their evolving nature, and the impulse to assign anonymous poems to famous poets. This is a somewhat different issue from ours, since Solon is a figure with political implications, but the analogy is instructive. Cf. also her pp. 115–117. I thank André Lardinois for calling my attention to her discussion.

he has promulgated his laws.[79] The pattern embodies the substitution of law for ruler and serves as a broad social memory of how the *polis* came to be a distinct form. Herodotus' Solon fits this pattern, although he travels after his law-giving rather than simply disappearing.[80] Thus by the later fifth century Athens had its own wise man and traveling lawgiver to link it with both Panhellenic *polis* ideals and shared folk-wisdom.[81] And by the same time Critias' family had its own version of Solon, about whose friendship its members could boast as they performed his praises of their ancestors.

The persona I discuss in Part I does not fit either of these formations of social memory. Our Solon is a blamer, not a praiser, and hardly the genial aristocrat claimed by Critias' family circle.[82] He is politically a far more complex construction than the wise man / lawgiver. The Solon of the political poems cannot disappear and leave his laws behind. In his case the social organization and its law never become fixed and self-sufficient, as in the traveling lawgiver pattern, but are always under attack on all sides. This persona appears in the context of a different social memory, the fourth-century ideological interest in Solon as founder of democracy. Where did those who promoted it acquire a poetry collection that illustrated Solon's political conceptions and actions?

For clarity's sake it is important to consider questions about the poems as individual pieces, specifically about their performance and transmission, before contemplating the source of a special collection. As to where Solon would have performed his political poems, the usual answer places him in the symposium singing to his political allies, his *hetaireia*. But there are difficulties, for no hint of such a group appears in

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[79] Szegedy-Maszak (1978). Rihll (1989) 281 discusses the implications for the historicity of Solon's travels, with earlier bibliography.

[80] See Ker (2000) 305 for the 'visual tradition' encapsulated in the statue of Solon at the Stoa Poikile and to which an oral tradition could be attached. On pp. 317–326 he connects Solon's departure with the completion of the city; Solon leaves a space in the middle occupied only by civic discourse. Cf. n. 52 above for Loraux's analysis of this idea in fr. 37.

[81] The lawgiver acquired some poetry too. Hdt 5.113 mentions Philocyprus, a king of the Soli on Cyprus, whom Solon praised on a visit. The connection of Solon with Soli on Cyprus probably had its origin as a pun on the names. Plutarch (*Sol.* 26.2–4) elaborates it—Solon founds the new city, which is then named after him—and quotes a short elegy (fr. 19) in support. Fr. 28 is a line about Egypt that Plutarch, *Sol.* 26.1, quotes to show that Solon spent time there.

[82] Cf. Stehle (1997) 259 on 36 as 'profoundly anti-symposiastic.'

the narratives about Solon's reforms, and Solon's poems reveal no role for a group of friends.[83] To put it in the terms I have been using, the implied audience is never constructed as an exception within Athens to the universally blameworthy citizens / people / leaders. In an illuminating discussion, Elizabeth Irwin compares Solon 4 with Theognis 39–52 (which shares theme and vocabulary).[84] Theognis addresses Cyrnus as internal auditor but also refers to the symposium group by a deictic ('these people', 41), heightening his blame of others by praise of them. In addition, he offers a categorical exclusion from blame into which they can fit: 'In no way, Cyrnus, did good men (ever) destroy any city' (Thgn. 43). Irwin, who accepts the symposium as the locus of Solon's performance, remarks on the absence of any inclusory gesture or concession to the auditors in fragment 4 but takes it as implicit. It cannot be demonstrated that Solon did not perform these poems to a *hetaireia*, of course, and I would not wish to deny all possibility of it. But it is striking that in the poems I have discussed the inclusory gesture is never made (unless one takes ἡμεῖς of fragment 4c.3 that way). The persona's constant depiction of himself as isolated certainly does not foster sympotic fellowship. In general, such a negative, scornful persona would be counterproductive for a practicing politician.

The question about how Solon's political poetry was transmitted is linked to that of its performance venue. Oral transmission through symposium performance is at least theoretically a possibility, assuming that it was performed there in the first place, although Linforth is right to point out that later singers would need some motivation to remember the poems.[85] But that entails supposing that an informal group continued to cherish the persona of the besieged reformer over a period of two hundred years when it had no public political resonance.[86] And if there were such a long-lived group, would it maintain more than one or two poems?[87] Of a tradition of public performances, on the other hand,

[83] It is often acknowledged that Solon 4 and 36 contain no addressee. Mülke (2002) 97–98, who is partial to locating performance in the symposium, calls the performance venue of fr. 4 unknown, since it appears to be directed to all Athenians. Cf. Irwin, this volume, who speaks of the collapse of sympotic space and civic space in this poem, and notes 13 and 17 above for opposite views on its performance venue.

[84] Irwin in this volume. Her readings of Solon's language and the evidence for reception of his poetry is subtle and persuasive.

[85] Linforth (1919) 10.

[86] See Finnegan (1977) on oral poetry and its transmission.

[87] Cf. Thomas (1989) 123–131 on the length of family memories, seldom more than seventy years. And a family would have a better collective memory than a symposium

there is not the slightest hint. The alternative possibility, that the poems survived in writing, faces a greater objection: the sheer implausibility of written texts surviving from the sixth to the fourth century if they were not useful to somebody in public discourse. Praise poems were an asset to a family like Critias'. But the political poems we have are not the sort that a family would find flattering; apart from absence of flattery, they could be held to show that Solon had failed. And Solon seems not to have had direct descendants in later centuries who might preserve his poems. Moreover, there was no general archival impulse before the fourth century, so why would generation after generation consider them valuable enough to try to preserve?[88] The Persian sack of Athens and a thousand quotidian disasters would make the survival of texts that were not in use and circulating in many copies unlikely.[89]

In light of these problems, how confident can we be that the political poems are all Solon's own poetry? Since all of them have such a strong and isolated first-person persona, we can say of individual poems with some probability that either they have a Solonian core (however much they may have mutated in an oral transmission) or they are pseudepigraphic. In other words, they are not likely to be pre-existing poems to which Solon's name became attached. That they are pseudepigraphic certainly cannot be ruled out.[90] As is well known, the poems contain no specific information about Solon's reforms, and they repeat the same small set of themes. Such poetry could easily be created in Solon's name by someone with good poetic talent. Nor should it surprise us if one or more poets did. Rosalind Thomas calls attention to the fourth-century 'forging' of decrees that purportedly dated to the time of the Persian wars in order to satisfy a new need for documentation.[91] The orators

group. The poems would have to be very popular to survive, but all indications are the opposite.

[88] Thomas (1989) 38–40 and 68–83. She is speaking of public archives, but also of a conception of the value of preserving records.

[89] Mülke (2002) 20 acknowledges that transmission to the time of Demosthenes, who first gives an extended quotation, can scarcely even be sketched.

[90] See Lardinois, this volume, for poems attributed to Solon that refer to later events or ideas; these must be forgeries. He also discusses the development of variants in oral tradition.

[91] Thomas (1989) 84–86. She stresses that their use in oratory reflects a new respect for written documents developing at that time, on which cf. also 36–38. Finley (1986 [1975]) 28 points out that a historian working with oral traditions must always ask, 'cui bono?' So too of the way these traditions get "recorded" in writing. See p. 29 for a summary description of the active falsification of traditions about the sixth century occurring esp. around 400 BCE.

cite a number of them for patriotic purposes. Some of them were probably based on genuine elements, but the decrees were fashioned to suit fourth-century versions of Athenian history. In the same context she mentions that orators likewise begin to cite poetry, notably commemorative epigrams and the poetry of Solon.[92] As she shows, interest in documentation and in the exemplary past collude to bring forth "written evidence" from ancestral Athens.

In sum, when we consider the political poems as individual poems of Solon's, they do not appear to fit comfortably into a sixth-century performance context and it is difficult to explain their survival, while they make their first appearance at a time when intellectuals and political speakers were busy creating documents to illustrate the past. This state of affairs has to arouse suspicion that what we have is not simply a number of largely-genuine Solonian political poems that survive from an oeuvre composed over a period of reforming activity and its aftermath. Such a view seems even less plausible when we see them as a collection. The political poems, as I have argued, reveal tremendous coherence, far too great to represent occasional poetry or to be explained by the vagaries of oral tradition. Through their interactions they create an isolated 'Solon' who stands out vividly against a dim background and vindicate him in the eyes of an implied audience that is located outside the political context in which he moves. Solon and his unappreciated vision are their only subject. *This* persona and the collection that produces it are, I strongly suspect, a new creation in the fourth century, spawned by debates over democracy.

It is clear that he had become a paradigmatic 'founder' of democracy, a quasi-mythical patriotic figure like the tyrannicides, by around 360.[93] He must have acquired this role in the preceding decades, which had witnessed an intellectual and political struggle to define the proper limits of democracy.[94] Thereafter he was claimed by competing writers as a proponent of different degrees of democracy.[95] In this context speakers and writers could recite poems attributed to him as the most powerful way to adduce his authority for their arguments. His poems could be sung in symposia without excluding the audience, for their

[92] Thomas (1989) 86–87.

[93] Cf. Rhodes (1993) 159 at 9.1 for the evidence. He refers to Ar. *Nub.* 1187, where Solon is called *philodêmos*, as an early sign of this view.

[94] Rhodes (1993) 21–22.

[95] Cf. Arist. *Pol.* 2, 1273b 35–1274a 22 with Ruschenbusch (1974) 366–374 and Gehrke's contribution to this volume on the debate.

function would now be to evoke the heroic political reformer and retrospectively assent to the vision that he alone could see in his own time.

It does not follow that no element of the persona goes back to (the time of) Solon. One old poem could have stimulated the creation of further poems. A few scattered poems or quotations could have been brought together, adapted, and supplemented.[96] Or mere foregrounding of the idea that Solon was a "democratic" lawgiver in fractious Athens could have inspired a fictional recreation of his experience.[97] There is no way to tell. However the collection evolved, it was eventually enshrined in a text, the ultimate source for *Athênaiôn Politeia* and Plutarch.[98] The fact that fragment 4 was apparently not included in that text suggests that poets continued to add their own wrinkles to the persona. Perhaps it is no accident that 4 is the only poem to use the term *eunomia*.[99]

The striking thing about the collection, and what makes it of intellectual interest, is that it is not a prop to a specific view of the best instantiation of democracy. It is a study of polarization, of what happens when citizens do not cherish the community as a whole and moderate their behavior accordingly. It asserts that unless all sides embrace the ideal of the city as common home, no political arrangement will save the city from self-destruction. Different factions could claim Solon's support, but in essence his persona is a warning to them all.[100] This Solon is still waiting to be replaced by a law code.

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[96] Thomas (1989) 91–92 points out that exact quotation of laws and decrees was not considered necessary and the line between oral tradition and documentation was blurred, so decrees fabricated, e.g., from a tale in Herodotus perhaps did not seem fake. The same could be true of poetry. Cf. Finley (1986 [1975]) 55–56 on interest in the past at Athens failing to stimulate historiographical inquiry.

[97] It is interesting that Isocrates does not quote any of these poems in his *Areopagiticus*, one of the earliest documents of the new view of Solon. See Ruschenbusch (1974) 367–368 on this speech and its influence.

[98] It seems likely that *Ath. Pol.* used a text in which a number of poems were already accompanied by a narrative; so Rhodes (1993) 24; cf. also 118–120. Plutarch's biography tries to reconcile the wise man and the political traditions as it tries to include everything. See Ruschenbusch (1974) 374–376 and de Blois' contribution to this volume.

[99] Mülke (2002) 17–19 comments on the difference in portrayal of 'I' in elegy and iambic: in the former the 'I' is not in direct confrontation with others. But his discussion draws only on fr. 4 among the political poems, so it may represent a characteristic of that particular poem; 4a and 4b–c do seem to portray conflict.

[100] Plato created another such figure in Socrates. As a psychologist this Solon anticipates (or seconds) Plato's effort to achieve Eunomia by molding citizens' behavior from babyhood on in the *Republic*.

Bibliography

Adkins, A.W.H. 1985. *Poetic Craft in the Early Greek Elegists*. Chicago.

Almeida, J. 2003. *Justice As an Aspect of the Polis Idea in Solon's Political Poems: A Reading of the Fragments in Light of the Researches of New Classical Archaeology*. Leiden / Boston.

Anhalt, E. 1993. *Solon the Singer: Politics and Poetics*. Lanham.

Blaise, F. 1995. Solon. Fragment 36 W. Pratique et fondation des normes politiques. *REG* 108: 24–37.

Bowie, E. 1986. Early Greek Elegy, Symposium and Public Festival. *JHS* 106: 13–35.

Bremmer, J.N. 1983. Scapegoat Rituals in Ancient Greece. *HSPh* 87: 299–320.

Butcher, S.H., ed. 1903. *Demosthenis Orationes*. Oxford.

Cole, S.G. 2004. *Landscapes, Gender, and Ritual Space: The Ancient Greek Experience*. Berkeley.

Davies, J.K. 1971. *Athenian Propertied Families, 600–300 B.C.* Oxford.

Doherty, L. 1995. *Siren Songs: Gender, Audiences, and Narrators in the Odyssey*. Ann Arbor.

Finley, M.I. 1986 [1975]. *The Use and Abuse of History*. London.

Finnegan, R. 1977. *Oral Poetry: Its Nature, Significance, and Social Context*. Cambridge.

French, A. 1984. Solon's Act of Mediation. *Antichthon* 18: 1–12.

Gutzwiller, K. 1998. *Poetic Garlands: Hellenistic Epigrams in Context*. Berkeley.

Harrison, T. 2000. *Divinity and History: The Religion of Herodotus*. Oxford.

Iser, W. 1978. *The Act of Reading: A Theory of Aesthetic Response*. Baltimore.

Jaeger, W. 1966 [1926]. Solon's Eunomia. In *Five Essays*, 75–99. Montreal.

Ker, J. 2000. Solon's Theôria and the End of the City. *ClAnt* 19: 304–329.

Kurke, L. 1999. *Coins, Bodies, Games, and Gold: The Politics of Meaning in Archaic Greece*. Princeton.

Lambert, S.D. 1998. *The Phratries of Attica*. 2nd ed. Ann Arbor.

Lardinois, A.P.M.H. 2003. The Wrath of Hesiod: Angry Homeric Speeches and the Structure of Hesiod's *Works and Days*. *Arethusa* 36: 1–20.

Linforth, I. 1919. *Solon the Athenian*. Berkeley.

Loraux, N. 1984. Solon au milieu de la lice. In *Aux origines de l'Hellenisme: La Crete et la Grece. Hommage à Henri van Effenterre*, 199–214. Paris.

Luraghi, N., ed. 2001a. *The Historian's Craft in the Age of Herodotus*. Oxford.

Luraghi, N. 2001b. Introduction. In Luraghi (2001a) 1–15. Oxford.

Martin, R. 1993. The Seven Sages As Performers of Wisdom. In *Cultural Poetics in Archaic Greece: Cult, Performance, Politics*, eds. C. Dougherty and L. Kurke, 108–128. Cambridge.

Martina, A. 1968. *Solon: Testimonia veterum*. Rome.

Masaracchia, A. 1958. *Solone*. Florence.

Mülke, C. 2002. *Solons Politische Elegien und Iamben (Fr. 1–13, 32–37 West): Einleitung, Text, Übersetzung, Kommentar*. Leipzig.

Murray, O. 2001 [1987]. Herodotus and Oral History. In Luraghi 2001a, 16–44.

Noussia, M. 2001. *Solone: Frammenti dell' Opera Poetica*. Milan.

Oliva, P. 1988. *Solon—Legende und Wirklichkeit.* Konstanz.
Rhodes, P.J. 1993. *A Commentary on the Aristotelian Athenaion Politeia.* 2nd ed. Oxford.
Rihll, T.E. 1989. Lawgivers and Tyrants (Solon, Frr. 9–11 West). *CQ* 39: 277–286.
Rowe, G.O. 1972. A Problem of Quotation in Demosthenes' Embassy Speech. *TAPhA* 103: 441–449.
Ruschenbusch, E. 1974. Plutarchs Solonbiographie. *ZPE* 100: 351–380.
Stehle, E. 1997. *Gender and Performance in Ancient Greece: Nondramatic Poetry in Its Setting.* Princeton.
Szegedy-Maszak, A. 1978. Legends of the Greek Lawgivers. *GRBS* 19: 199–209.
Tedeschi, G. 1982. Solone e lo spazio della comunicazione elegiaca. *QUCC* n.s. 10: 33–46.
Thomas, R. 1989. *Oral Tradition and Written Record in Classical Athens.* Cambridge.
Vox, O. 1984. *Solone Autoritratto.* Padua.
West, M.L. 1992. *Iambi et Elegi Graeci.* 2nd ed. Oxford.
West, M.L., tr. 1993. *Greek Lyric Poetry.* Oxford.

CHAPTER FOUR

POETICS AND POLITICS: TRADITION RE-WORKED IN SOLON'S 'EUNOMIA' (POEM 4)

Fabienne Blaise

Although Solon's thought has given rise to a great variety of interpretations,[1] one can pick out among them two opposed interpretative trends. Whereas some scholars, focusing on the novelty of Solon's moral, political, and even philosophical ideas, have been prone to minimize formal questions and to neglect the difficulties that go with this line of interpretation,[2] others have stressed the so-called looseness of the text and considered it as a sign of a political rhetoric that does not aim to achieve conceptual systematicity but rather to be effective. The latter view suggests that Solon is reformulating a traditional way of thinking (especially represented in Hesiod) in a manner which is more in tune with his time.[3]

I would like to show through a few examples taken from the poem which for convenience's sake I shall call 'Eunomia' (poem 4) that this

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[1] For a comprehensive account of them, see Mülke's commentary (2002) 90–101, and for a good account of the modern "habits" in reading Solon, see Irwin in this volume. I thank Pierre Judet de La Combe, André Laks and Philip Miller for their careful reading of my contribution.

[2] Jaeger (1926) is the most striking, and at the same time most stimulating example. He is the first to think about the similarities and differences between *Od.* 1.32–43 and poem 4, and to be really interested in the meaning of the significant variations that he has revealed. But while he wants to show that Solon conceived human responsibility in a more progressive way than the *Odyssey*, namely that the poet sets gods in the background, he is inclined to minimize the part of the poem that makes this interpretation difficult (lines 1–4): his history of moral human progress required a marked separation between divine and human actions.

[3] See Havelock (1978) 261, who claims that this didactic poetry 'becomes a literature of clichés'. This assumption makes him overlook the variations from the 'models' (Homer and Hesiod). Adkins (1985) 107–132 considers that the connections of thought were unclear and the poem was full of ambiguities, but thinks that these ambiguities are not produced by ineptitude, quite the reverse : 'The poem is a work of rhetoric, concerned throughout to persuade by emotive language, not to convey precise information' (125). With this conception of rhetoric, which makes produced impressions more important than the content of the poem, Adkins need not worry about the coherence of the elegy.

opposition is otiose.[4] There is no doubt something new in the poetry of Solon, but that novelty consists in a self-conscious tension between tradition and innovation, and more specifically between a divine order, which is never contested as such, and human possibilities, which are conceived of not only as acting *within* this constraining frame but also *thanks to* it. As for Solon's language, it certainly uses epic formulaic style and vocabulary (Homeric as well as Hesiodic), but it introduces variations that call attention to the novelty of the content. The traditional features of Solon's rhetoric thus serve, I submit, a better understanding of a new and specific experience—an experience which is of a political nature.

It is only through a very close analysis of the text that one can make apparent the way in which Solon reworks the poetic tradition. Since I cannot go here into all the details that an exhaustive philological and hermeneutical approach would require, I shall restrict my observations to three aspects, and to the three corresponding passages of the 'Eunomia' that I think most important to understand the logic and the aim of that poem: the way it deals with *dikê*, *eunomia*, and the gods. A complete text of the poem with the prose translation of Gerber (1999) appears in the Appendix to this volume.

Dikê

Lines 15f. provide a good example of the way in which elements stemming from epic poetry are taken up and reworked in order that the difference can be perceived, and perceived as being meaningful. In Hesiod's poems, *Dikê* is unequivocally a divinity. She is presented as the daughter of Zeus. The *Theogony* mentions her in a genealogy: her mother is Themis and her sisters Eunomia and Eirene (lines 901–903). The *Works and Days* stresses her illustrious origin as well,[5] but shows her acting, or rather reacting. As a matter of fact, she never acts in person:

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[4] Like Campbell (1967) or Noussia (2001; see also Stehle, in this volume), I consider the poem to be complete. I show below that the structure of this text implies that the extant poem makes up a whole. The δέ in line 1 is inceptive and emphasizes an opposition that need not be expressed before, but is implied by the very formulation in lines 1–4 (see below; also Irwin's contribution to this volume, nn. 46 and 83; and, on Archilochus 1, where the particle δέ seems to have the same meaning, de Falco, 1949).

[5] See *Op.* 256: the expression Διὸς ἐκγεγαυῖα 'born of Zeus', straight after Δίκη, looks like an etymologization. Cf. also *Op.* 259.

she is an intermediary, in charge of pointing out to Zeus human wrongdoings that have to be punished. She cries, she shouts, she speaks.[6] There is nothing of this kind in Solon. Justice according to him is deeply rooted in human reality and it acts on its own initiative, as his poem shows. No trace of any theodicy or transcendence can be found here: what we are confronted with is the presentation of a principle of order which is embedded in human actions and in a temporality which, far from being an abstract framework, is bound to the very experience that we have of the political world. So, in this case the divine nature of Solonian justice cannot be established by a genealogical element. In fact, it is so much the opposite of the Justice of Hesiod's *Works and Days*, that it is characterized by its silence (σιγῶσα, 4.15). This important point can only be properly understood by analysing the words which follow in the poem.

Solon uses a formula belonging to the epic tradition and introduces some variations that must have alerted the audience, who were accustomed to the traditional wording. In *Iliad* 1.70, Calchas is said to know 'what is, what will be and what was'.[7] The same formula is used by Hesiod in relation to the song of the Muses that pleases Zeus.[8] Archaic as it is, the formula is of course not a conceptual one, but it expresses, as generally as possible, temporality in its three dimensions, offering a temporal frame that can accommodate every action. These three dimensions, syntactically coordinated and therefore put on the same level, are seen in some abstract and theoretical continuity, which explains why they can be the object of a certain knowledge. When Solon changes the formula to apply it to justice's knowledge, the idea of a present, a past and a future still remains, but the temporal continuity is broken and so the abstract dimension disappears.

First, τὰ ἐόντα is replaced by τὰ γιγνόμενα. The change is surely not accidental, and one should not give the latter the same meaning as the former, though this is often done.[9] In epic poetry, the present

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[6] *Op.* 220–224, 260.

[7] … ᾔδη τά τ' ἐόντα τά τ' ἐσσόμενα πρό τ' ἐόντα ('he knew things present, to come and past').

[8] *Theog.* 38 : εἰρεῦσαι τά τ' ἐόντα τά τ' ἐσσόμενα πρό τ' ἐόντα ('when they say things present, to come and past').

[9] E.g. Edmonds (1931): 'who is so well aware … of what is and what hath been'; West (1994): 'who knows what is and has been done'; Gerber (1999): 'who bears silent witness to the present and the past'; or Fantuzzi in Noussia (2001): 'che … è testimone delle cose che sono e di quelle che furono'. Treu (1955) 231f., 276–279 and Mülke (2002) 123 have noticed the variation.

participle γιγνόμενον always refers to the idea of birth.[10] The verb in the present tense in Solon's extant poems always refers to an event that is happening, and implies the idea of process and development.[11] So, when he replaces τὰ ἐόντα with τά γιγνόμενα, Solon attributes a practical dimension to the present. The reference is not to a general and stable state, but, more concretely, to an activity, a process: the present becomes the present moment, and this moment is not closed. An asymmetry between this present and the past is thus produced, which does not mean that there is no relationship between them. In virtue of a logic which differs from that of the epic formula, γίγνεσθαι implies the idea of a natural origin which would be the cause of all that is born. So the past is known through what happens, but there is nothing speculative in that knowledge, which results from the sheer observation of the events and of their cause.

This line of interpretation is confirmed by the choice of the verb σύνοιδε, instead of the verb οἶδα, which is used in the *Iliad* to describe Calchas' knowledge—a variation that is all the more significant since the compound appears here for the first time in extant Greek literature. The knowledge that is referred to is not specific to an individual, but rather a shared one.[12] Thus *dikê*'s knowledge is not attributed to a supernatural intelligence (as in the case of the seer or the Muses): *dikê* shares with the human beings the knowledge of their guilty acts. Thus, it is not the content of that knowledge but its scope that is outstanding.

In this way, the correlation between the two temporal dimensions of the past and the present is reconfigured in a pragmatic order. This is

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[10] It is used in a quasi-formulaic way about a divinity or a human being and can be translated: 'when he was born', 'at birth', cf. for instance *Il.* 10.71; 20. 128; 23.79 etc.

[11] Cf. fr. 9.2; 13.14, 59. In fr. 13.26 and 64, the verb is also used to mention the actions of the gods, so considered as a process. In fr. 27.4, γεινομένης is used with its epic formulaic meaning.

[12] See for instance Herodotus. He uses the word to refer either to a knowledge that is shared with someone (6.57.4) or, more often, to the knowledge that someone has of the actions of another, to which he can testify (5.24.3; 8.113.3; 9.58.3). I disagree with Mülke (2002) 122, who thinks that the use of the word refers to Hes. *Op.* 222, where the poet affirms that *Dikê* follows the unfair men. As said before, the Solonian *dikê* is very different, and even the opposite of that of Hesiod: it is not characterized by its incessant movement, but on the contrary by its permanence (θέμεθλα, 4.14; the meaning of the word is difficult; let me simply briefly note that through its occurrences in Homer—in an anatomic context: *Il.* 14.493; 17.47—and Hesiod—in a spatial one: *Theog.* 816—one can see that θέμεθλα refers, as does τίθημι, to the idea of fixity and stability; the French word 'assise' translates that idea rather well). Its knowledge comes from that very permanence which enables one to lose sight of nothing.

also the case for the future, which is referred to through the participle ἀποτεισομένη,[13] but is not placed at the same level as the two other times, as is clearly shown by the syntax of the sentence. Here again, the mention of the future is deprived of any general character and the reference is to the concrete act of the retribution. However, unlike past and present, this future is not the subject of any knowledge, which is perfectly logical in a context where speculation is rejected. Insofar as *dikê*'s knowledge is presented as purely empirical, the future cannot be deduced as a potentiality that would be revealed by theory, but appears as a consequence through the punishment that marks it in a negative way. The instrument of this punishment is time (χρόνῳ), which reveals *dikê*'s action to the city through the misfortunes that it suffers; as the instrumental dative τῷ χρόνῳ shows, time is here not an abstract concept, but the time that men can grasp through the events that the following lines describe.[14]

Thus, the action of justice is considered as an immanent law, which does not depend on a divine intervention (there is no mention here of divine curses, such as the plague or female infertility),[15] but expresses the logic of a necessary process. So it can be understood why the coming of *dikê* can be asserted in such an affirmative way (πάντως).[16] It is not a mystic creed, but the description of a phenomenon as undeniable as a cause that is followed by its effects. Justice's silence is to be understood from this non-transcendent point of view: there is no place for revelation here, but the poet speaks about a causal

[13] 'To make pay'. Although the aorist participle ἀποτισαμένη is read in almost all the manuscripts, I follow all the editors, who adopt the emendation in ms B ἀποτισομένη (the form ἀποτεισομένη is Hiller's conjecture). The aorist would be difficult to understand, and a future participle is expected after a verb like ἔρχεσθαι (cf. KG, II, §486, 5, p. 86). Cf. Solon 13.76.

[14] χρόνῳ is often translated as if it had been used with some preposition, like ἐν or σύν, or without the article (for example West 1994: 'at last', or Gerber 1999: 'in time'). It seems syntactically better to give to this dative an instrumental meaning. The use of the article with χρόνῳ is unusual enough to be noticed. As in epic poetry, the metrical position of this article stresses its deictic quality (see KG I, §457, 3, p. 577; Chantraine 1953, 161) and gives to χρόνῳ a concrete meaning.

[15] Contrary to Hes. *Op.* 238–247, where the unjust city suffers Zeus' wrath, which manifests itself in celestial and supernatural curses.

[16] 'Absolutely'. Solon seems to be fond of this word which is used seven times in his extant poetry. It is found in earlier poetry only in Homer, always with a negative, which is reinforced by it. From its Homeric use, it can be inferred that the adverb makes the assertion something indisputable, an unquestionable truth that works without exception.

process, which is unavoidable. This silence recalls the silent illnesses in *Works and Days* 104: the silence in both cases indicates that men cannot negotiate with those powers. Thus, Solonian justice loses its supernatural character, but it is none the less terrible for that: it is the implacable logic of a natural process that cannot be avoided once it has got under way.[17]

Eunomia

Solon's way of dealing with *eunomia* (lines 32–39) is comparable. The obvious similarities of those lines with the Hymn to Zeus, at the beginning of the Hesiodic *Works and Days*,[18] should not hide the important changes that are introduced with respect to the model. First, unlike Zeus, Solon's *eunomia* does not directly act on men, but on negative driving forces behind actions (κόρος, ὕβρις, ἄτη, χόλος) or on men's actions (ἔργα): in the *Works and Days*, Zeus straightens out the crooked *man*, but here *eunomia* straightens out only the crooked *sentences*. So *eunomia*, like *dikê*, is considered as a practical principle.

The second difference cannot be just considered a detail either. *Eunomia* takes the place of Zeus in the *Works and Days*. As in the case of *dikê*, the fact that *eunomia* is endowed with action makes it a power. But in both cases, a statement pointing towards an organizing principle of reality replaces the mythical narration. Neither *dikê* nor *eunomia* is set in a genealogy. For sure, the pair *dysnomia / eunomia* (31 f.) recalls the *Theogony*. But, while Hesiodic Eunomia, Dikê's sister, is presented in a genealogical fashion through her origins as the daughter of Zeus and Themis (901–903), belonging to a later generation than Dysnomia, one of the grandchildren of Night (230), Solonian *eunomia* appears at the side of *dysnomia*.[19] Once again this procedure has a clarifying effect. Hesiod's theogonic account makes it difficult to grasp the strong and antinomic relationship that links the two divinities (Eunomia appears in the *Theogony* six hundred and seventy two lines after Dysnomia). Solon, by contrast, uses a paratactic structure in order to emphasize the polarity of the two powers.

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[17] In this respect, my reading is akin to Noussia's in this volume.

[18] See esp. *Op.* 5–8.

[19] See the use of the paratactic δέ, line 32.

Dysnomia is the term under which the poet has subsumed the multiple expressions of the chaotic state of the *polis* given over to bad deeds (κακά).[20] This is a very efficient and useful way of proceeding. By attributing a single term to all the events that he has described (the misdeeds of the citizens), the poet circumscribes the difficulty and gives it a theoretical, and thus universal significance. Working from his analysis of the concrete situation of Athens' political chaos, Solon isolates a negative principle of disorder: description gives way to interpretation. Having brought the diversity under the notion of *dysnomia*, he can now contrast that concept with the opposite, and corrective principle of *eunomia*. Thus, *eunomia* is logically deduced from the notion of *dysnomia*: when one is posited, so is the other. For sure, the effect produced thereby is an abstraction, but after having brought to light a principle embedded in concrete experience, Solon stays at the practical level when talking about *eunomia*: the logical reverse of *dysnomia*, which is a practical notion, is a practical notion too.

So *dikê* and *eunomia* are presented in a similar way: both are active powers that are taken away from the Hesiodic theological fiction. Yet the two notions cannot be confused.[21] *Dikê* refers to the unavoidable punishment which *eunomia*, as described, prevents: the corrective action of *eunomia* is focused on the very elements that caused the sanction.[22]

[20] Cf. line 31. If we admit, as seems natural, that the word κακά refers to the political disasters that have been enumerated just before (17–29, with several uses of the word: 18, 23, 26), the *dysnomia*, which produces them (παρέχει), sums up their causes: the misdeeds of the citizens and their leaders.

[21] Havelock (1978) 261 on the contrary thought that they are. In fact, it seems to me that Havelock's judgement about Solon rests on a superficial reading of the poems and is based on a questionable *a priori* assumption. On the one hand, he uses the similarities between Hesiod and Solon as a pretext for asserting that Solon's thought is not different from that of Hesiod. Such a point of view overlooks the variations, which are in fact marked enough to be significant. On the other, he emphasizes the 'completely non philosophic, non abstract, non conceptual' character of Solon's composition (262), that would be only a rhetorical, namely formal performance. In my opinion, Havelock's understanding of abstraction and conceptualization is too restrictive and metaphysical. There *is* a process of conceptualization here, but it is not a speculative one. By using a single word to name the diversity of experience, Solon finds the principle that allows him to interpret it. Thus the poet sets up some *practical* concepts, which can be used as tools to understand the political world.

[22] It is striking that the last part of the poem takes up and isolates the terms that had been designated, in lines 5–14, as the causes of the political chaos (πινυτά, 39 /ἀφραδίῃσιν, 5; εὔκοσμα, 32 /οὐδὲ… κοσμεῖν, 9f.; τοῖς ἀδίκοις, 33, δίκας σκολιάς, 36 /ἄδικος νόος, 7, ἀδίκοις ἔργμασι, 11, cf. 14; see also κόρος, ὕβρις, 8f., 34, and διχοστασίη, 37, which can be related with στάσις, 19). Lines 32–39 look like the reversed image of the "dysnomic" situation : after he has described the disorder that he has subsumed

Once again, line 36 is a very good example if we compare it with lines 7 and 9 of the *Works and Days*. By saying that *eunomia* 'straightens out crooked judgements' (εὐθύνει δίκας σκολιάς), Solon refers to a formula that is found several times in Hesiod's *Works and Days*, where the δίκαι σκολιαί that the bad kings use (221, 264) are opposed to the ἰθεῖαι δίκαι (36, 225f.).[23] Solon's phrase means that *eunomia* restores an acceptable situation by making the crooked judgements straight. This re-use of a traditional element could seem banal, were it not for the fact that this action of straightening is not attributed to Zeus but to some other factor. Moreover, Solon is selective. Hesiod presented a complete description of what the Athenian poet alludes to. In the *Works and Days* two legal moments are distinguished: the king decides (διακρίνει) some *themistes* thanks to some straight (or crooked) *dikai*.[24] Whatever its precise meaning may be, the word *themistes*, which derives from the same root as τίθημι ('to place'), refers to the idea of fixedness, of established norms or decrees,[25] while the plural *dikai* refers to an activity, the procedure through which the judge settles the dispute by deciding among the *themistes*: it is only that activity which is referred to by Solon. Finally, Solon normalizes a formula which in Homer and Hesiod displays a certain complexity. In *Iliad* 16.384–388, the poet evokes the deluge that Zeus inflicts when he gets angry with those who pronounce crooked prescriptions (σκολιὰς θέμιστας). From a similar point of view, Hesiod, in *Works and Days* 9, asks Zeus to 'straighten the prescriptions in his justice'.[26] Philippe Rousseau in his commentary on both passages has clearly shown that it is only by catachresis that the *themistes* can be said to be crooked: only the proceedings may be unjust, not the prescriptions themselves, since these are supposed to be

under the term *dysnomia*, the poet, in the reverse movement, can, thanks to the antonym *eunomia*, "unroll" the same elements of disorder, which this time are said to be checked by the opposite power.

[23] The ἰθεῖαι δίκαι ('straight judgements') are the privilege of the kings, children of Zeus, in *Theog.* 86. The *dikai* refer to a concrete activity, legal proceedings, and designate the proceedings themselves or the sentence that is the result of them; see Gagarin (1986), esp. ch. 2, 19–50.

[24] *Theog.* 85f.; *Op.* 221.

[25] Benveniste (1969) 103 considered that the *themistes* refer to a code of unwritten, divine-inspired laws, which the judge used when he had to settle a dispute. Gagarin (1986) 24 n. 16 and 106 rather understands the word as referring to rules of behaviour. I leave it open which alternative should be chosen. What is important for my purpose is the largely accepted distinction between *themistes* and *dikai*.

[26] δίκῃ δ' ἴθυνε θέμιστας.

established norms.[27] Both passages stress Zeus' punitive action through a graphic phrase: the god reveals himself when it is too late, that is after the men have committed the misdeed by proposing a result (the *themistes*) that betrays the crooked character of the procedure.

Thus, by saying that the *eunomia* 'straightens the crooked judgments', the poet not only shows again that he is interested in the practice (*dikai*), not in its results (the *themistes*), but he also stresses that this interest in action is decisive. As proclaimed by poetic tradition, a result (a prescription) that departs from the straight way necessarily provokes divine anger. Because it intervenes prior to Zeus, in a clearly preventive way, *eunomia* spares men disaster. While *dikê*, which is unshakable,[28] falls on culprits as an inescapable sanction, *eunomia* affects the social process and has a corrective role of readjustment that prevents the punitive action of justice from setting out. So *eunomia*, which smoothes, readjusts, does not produce strictly speaking a positive virtue: it is an activity that restores a situation of balance and always presupposes the disorder that *eunomia* counterbalances.

In such a context, it is not necessary to give to the word *eunomia*, as some commentators have suggested, an objective meaning: 'good order', different from the one we find in *Odyssey* 17.487, where gods are said to come on earth and watch men's hybris and *eunomia*.[29] In the epic poem, it is obvious that both *eunomia* and hybris refer to human behaviour. In Solon's elegy, where *dysnomia* sums up the misdeeds which

[27] Rousseau (1996) 93–167, esp. 107f.

[28] See θέμεθλα, line 14, and my note 12, above.

[29] Andrewes (1938) 89–102 considered that the word, which first, in the *Odyssey*, referred to individuals' behaviour, has here a more political meaning, even though he admits too that *eunomia* cannot designate a constitution. In a similar way, Ehrenberg (1946) 70–93 thought that the meaning of the word had become more and more objective and political, and that it referred in Solon to a political ideal. He is followed by Ostwald (1969) 62f. and *passim*, who clearly distinguishes two meanings that betray a neat evolution: an individual *quality* in Homer, and a political *condition* in Solon. The problem is that Ehrenberg and Ostwald have to consider that political situation as a future ideal, since the poem describes a political chaos. The poem itself does not confirm their expectation: all the actions of the *eunomia* are stated in the present, not in the future. Actually, following a methodologically questionable approach, it seems that the commentators consider that the change of historical context has to coincide with a substantive semantic evolution of the word and they do not envisage that the narrower context of the poem can alone act on the meaning of the word and bring out some potentialities that were already present in the first use of the word. In fact, the Solonian use does not exclude reference to individuals and the word may already have had a political connotation in Homer: the Homeric individual is never abstracted from the society that controls his activity.

have previously been listed, its opposite, namely *eunomia*, does not need to have a more objective value: it is not an ideal of correct political order, but, as in the *Odyssey*, the behaviour that produces it: it is not the rule, but the activity that aims at it.[30] This correct behaviour does not need either to refer to an ideal future, as if the bad guys nowadays were opposed to the good citizens to come (the whole passage is in the present). The reasoning is logical, almost geometrical, and based on an experience that is conceptualized in order to be exploited. As soon as the multiplicity of misdeeds with their disastrous consequences have been subsumed under a single notion which, by abstracting them from the flood of experiences, allows their identification, Solon can, as I said, set down the opposite, and then "roll out" the reverse of what has been described in the preceding lines. It is not a matter of prescription or prediction, but of logical induction: the observance of order corrects disorder.

It could be objected that it is rather dull, and even tautological, to say that respect for the rule, and avoidance of transgressive behaviour, produces order. And yet *eunomia*, as presented in this poem, is something new. I have underlined that *eunomia* does not act on human nature but on concrete elements and acts. As a corrective activity, induced from the observation of its opposite, destructive activity, it remains at the practical level from which it has been derived. It *is* a power, but, like its reverse, *dysnomia*, that power is not a theological one. The strength of the Solonian poem lies in the fact that it internalises in man some powers that were kept by Hesiod, as divinities, in the exteriority of the objective world. Just as destruction is presented here as produced by a specifically human power, named *dysnomia*, the opposite principle of readjustment, which aims at a political order that is never permanently reached, but always to be established,[31] is logically in the hands of men. The regulating principle need not be looked for beyond the world of our experience: it already exists, in its opposite, which we meet everyday.

Many commentators have rightly emphasized the hymnic form of the end of the poem, but they have not dwelt on the reasons, both

[30] The other occurrences of the word in archaic poetry do not seem to refute my opinion that the term refers to the behaviour of the human subject during this whole period. I shall analyse those occurrences in my forthcoming commentary on the 'Eunomia'. Concerning Tyrtaeus, see Andrewes (1938) 89f.

[31] Since *dysnomia* is prior and has always to be counterbalanced by the opposite principle *eunomia*.

formal and substantial, why this is so. That hymn repeats, in a minor key, the act of faith about the Olympian gods, expressed in lines 1–4 of the elegy. As is emphasized by Solon's borrowing from the Hesiodic Hymn to Zeus at the beginning of the *Works and Days* and his substituting *eunomia* for the king of the gods, the actor here is not the god but this regulating power that enables man to create, as far as possible, a political order that is continually threatened by some greedy citizens. Men can be substituted for gods if the matter is not a specifically divine act of foundation, but a regulating activity which strives towards the principles that are at the basis of divine foundation.

The function of the gods

I have suggested that Solon, in the poem under consideration, delimits a sphere of human activity, politics, where human beings are the sole beings responsible for their destiny. This does not mean that Solon relegates the gods to the background and promotes a secular conception of the world. Only a (very common) mistranslation of the first four lines of the poem makes such a hypothesis possible.

Lines 1f. are often translated in the following way: 'Our state will never perish through the dispensation of Zeus *or* the intentions of the gods …'.[32] Now, this is syntactically very difficult, for in Greek the two complements of cause are coordinated by καί (not ἤ nor οὐδέ). Thus the sense is not: '*Neither* Zeus *nor* the other gods are the causes of the ruin of the city', but: 'because of Zeus *and* the other gods, the city will never perish'. This is to say that Zeus and the other gods are the causes of its survival.

This misinterpretation is so frequent because it produces a clear opposition between gods, who would not be responsible for the ruin of the city, and men, who would be. It suggests some important questions such as this one: does Solon still believe that the gods are the causes of human actions, or, by excluding the gods' responsibility, does he affirm human responsibility as a departure (not to say a 'separation') from the theological level? With the second, "progressive", option, the problem that arises is that of the coherence between this poem and the

[32] The translation is Gerber's (1999). Fantuzzi's translation in Noussia (2001) and Almeida's (2003, 214) seem to take the use of καί into account.

'Elegy to the Muses' (poem 13), that seems much more traditionalist and religious.[33]

In fact, if we come back to the text and look at it carefully, we can see that the dichotomy between gods and men (marked by the use of the paratactic μέν…, line 1, δέ…, line 5) is not as simple as it has been often believed. The two verbs of destruction (ὀλεῖται, with the gods as the causes in lines 1f., and φθείρειν, with the men as the subjects, in lines 5–7), and so the two destructive actions, are not exactly at the same level, for the second is modified by the verb βούλονται ('they want'). The first lines express a strong assertion: 'because of the gods, the *polis* will never perish'. Thus, Athens is fated to be protected by the gods.[34] This city will never experience the fate of Troy, which the gods doomed to be destroyed and which is in a way Athens' negative counterpart.[35] But the gods' protection does not mean that Athens, in the *hic et nunc* of the present situation in which the poet places himself, is not in danger: the *polis* will not perish—this is its fate—, but it might be seriously damaged. So the use of the verb βούλονται is important:

[33] Jaeger (1926) is a very good example. Even though he does not go so far as to speak about laicisation of thought, his will to make Solon a new stage in European thought, according to which men are totally responsible, leads him to relegate the gods to the background. See also Vlastos (1946) 65–83. In both cases, they have to consider that there is a gap that is impossible to fill between this poem and the 'Elegy to the Muses', where the role of Zeus is clearly asserted (see Vlastos, who presents the presumed difference as a 'bifurcation' from innovation to traditionalism).

[34] Athena is its tutelary goddess (see lines 3f.) and through their very names Athens and Athena are bound together.

[35] Some of the many Homeric words and formulas that are used in these four lines refer to passages of the *Iliad* or *Odyssey* where the ruin of Troy is evoked: behind the words used by Solon, the audience could hear the sad fate of Troy and the harmful play of the gods there. Μεγάθυμος also qualifies Athena in the *Odyssey* (8.520; 13.121). The occurrence at *Od.* 8.520 is especially interesting, because the adjective is used when Demodocus speaks about the sack of Troy and the victory of Odysseus over Deiphobos 'thanks to the magnanimous Athena'. ἐπίσκοπος (line 3) is here used for the first time to refer to some god as the protector of a city. In the *Iliad*, it means 'spy' twice (10.38, 342), but it also refers twice to the idea of protection, in contexts where Troy is threatened or even almost defeated. In *Il.* 22.254f., Hector, who addresses Achilles before he confronts him, proposes that they put themselves in the hands of the gods, 'who will be their witnesses and the protectors (ἐπίσκοποι) of their agreement'. We can imagine the importance of the gods' protection for Hector at this moment, because it is Athena herself who has deceived him in order to encourage him to face Achilles and so to perish. In *Il.* 24.729, the word qualifies the protector of a city, but in this instance, it refers to a dead man, Hector, in a sacked city, since it has just lost its guardian. Finally, ὀβριμοπάτρη is found in contexts where Athena is presented as a threat for Troy against which she arms herself (*Il.* 5.747; 8.391).

the citizens *intend* to destroy their *polis*, and the following lines describe the logic and inevitable consequences of that intention for the whole political community. There is no contradiction with the first lines: the intention of destroying cannot be purely and simply identified with the reality of the destruction itself.[36]

Thus, the poem 'Eunomia' does not deny the existence of a divine order, which is prior and necessary.[37] Yet, what I have suggested before remains true: the gods are absent from what follows, where the necessary and purely human consequences of a chaotic political—and again purely human—situation are listed. Solon, by stressing the purely human dimension of the (bad) political action and its consequences, defines a sphere where men have some autonomy. But he first needs some strong theological views. It is logically necessary that he profess his faith in the protective role of the gods in order to set out human autonomy—something that is hard to understand if overly simple polarities are projected onto the text.

Because he is sure that Athens is protected by the gods, in the frame of a fate fixed by them, he can say that the origin of all human misfortunes is indisputably to be found somewhere else than in the causes that these men traditionally put forward and whose aim is to deny their responsibility in the disasters they suffer. He can speak about human responsibility the more easily now that the hypothesis of a divine curse has been ruled out. Thus the belief in the infallible protection of the gods, by dismissing the possibility that gods may be responsible for what happens to Athens, is the condition that allows the reflection about the present political ills. It is a preliminary act of faith that makes possible the beginnings of a reflection about human freedom. So we can see how theological views, both traditional and mythical, allow a concrete

[36] Anhalt (1993, 75–78) rightly stresses the use of ἐπίσκοπος both in the *Iliad* and in Solon's poem 4.3. But her conclusion is different from mine, because she thinks that the use of the word emphasizes the divine helplessness: 'Solon suggests… some limitation on divine power, and, in a way, makes men more powerful than gods' (75). The use of βούλονται has not to be overlooked. This verb has a modal function that dismisses any contradiction between the two sentences: there is a difference between intention and effective action. Moreover, the chosen verb is especially significant in this context. One might expect the will (βουλή) of Zeus, which determines the human actions in the *Iliad* (1.5), to be mentioned. Instead of it, the verb βούλονται is used regarding men's will. Through this device, their insolence is denounced, even before the term ὕβρις is introduced (line 8).

[37] Therefore we are not so far from the 'Elegy to the Muses' (fr. 13), which clearly describes the human world as ordered by Zeus.

political reflection to be developed by thematizing for the first time, on the basis of these theological views themselves and thanks to them, the problem of human responsibility.

By way of a conclusion, I would like to go back to a question that has sometimes been asked about Solon. Was he a conservative or a progressive reformer? In fact, on the basis of the poems, the issue does not seem to me to be relevant. If we have to speak in terms of progress, we have to take a look at Solon's obvious reflection about traditional poetry and the religion that it conveys. Solon builds on a given state of affairs that he does not question and deepens the reflection about political possibilities on the basis of that unchallenged datum. The city of Athens, about which he speaks, is not something that needs to be constructed, since it is fated always to exist, protected by the gods: it has not been founded by human activity, since this act of foundation was achieved by Athena. So it may be said that Solon is only repeating a traditional belief. Nevertheless, it would be wrong to stop there. For what is constructed thanks to that old theological framework is the logical necessity of conceiving human action as not governed by gods but by human beings. It is the very possibility of thinking a political order that is thus given. Considered in this perspective, this poem sets political thought in movement, by trying to link the divine and ontological level, which applies to the city too and which is referred to in lines 1–4, and the practical one, which the next lines set out to develop. Our experience of the latter shows that it does not correspond at all to the imperturbable divine order, because human nature is subjected to its appetites and therefore inclined to transgression. It is in that very gap that Solon originally places the political activity represented by *eunomia*: the *polis* is not to be founded by men, but it is their duty to preserve it, by bringing it closer—in an unceasing movement of regulation—to this divine ideal order if they want to avoid the political chaos which the infringed order logically produces.

Thus, the 'Eunomia' opens a space where man can be fully responsible for his fate: the political sphere. However, a big difficulty remains. Although the possibility of autonomous political action is logically established in the poem, it appears also that the poet Solon seems to be the only man to be actually conscious of this.[38] This uniqueness, which

[38] See the opposition of με (4. 30) with the verb in the third person βούλονται in line 6, the subject of which includes all the Athenians (the citizens, αὐτοὶ … ἀστοί, 5f., and

is also stressed in the 'Elegy to the Muses', where the singular figure of a poet/politician is built in the opening prayer (13.1–6),[39] is the origin of political action, as Solon understands it, but it is its limit too, as poem 36 seems to show.[40] The greatness of these poems lies precisely in that very 'deficiency'. Political action is lucidly thought of through the many problems that it implies: the greed of mankind as a whole (poems 4 and 13), men's lack of clear-sightedness (13), the paradoxical but necessary marginality of the legislator (36). Through those poems one can detect a position that is never dogmatic, but reveals its consciousness of the difficulty that is inherent to political thought and to the status of the politician: he has to be an exceptional man, because he has to think about and even reduce the tension between the ideal and theoretical (theological) order, that has to be aimed at, and the reality of mankind, with which he is concerned and to which he belongs.

The "Solonian question"

Obviously, my reading of the poems rests on the presupposition that they were composed by Solon. André Lardinois' and Eva Stehle's contributions to this volume question this kind of presupposition by raising doubt about the authenticity of the poems preserved under Solon's name: they stress the difficulties that are raised by the corpus as it has been transmitted and assume that we have to make a distinction between the poetry that Solon composed in the early sixth century BCE and the texts we have inherited, which may have been stabilized as Solonian only in the fourth century.

The suspicion is legitimate, and it would be naive to claim that Solon's poetry could not have been manipulated by its heirs with the purpose of adapting it to later centuries. Basically, this applies to any ancient text. The problem is obviously even more acute for a poem belonging to the oral tradition, like the Solonian corpus, and for a poet who was an important political actor. Lardinois mentions Plutarch's quotation of fragment 5.1,[41] where κράτος ('power') is substituted for

their leaders, δήμου θ' ἡγεμόνων … νόος, 7), except the poet. Cf. Irwin's contribution to this volume.

[39] See my forthcoming commentary on Solon's poem 13.

[40] See Blaise (1995) 24–37, esp. 33–37, and my forthcoming commentary.

[41] Plut. *Sol.* 18.5.

γέρας ('privilege'), which is found in the Aristotelian version.[42] As suggested by Lardinois himself, this probably reflects a process of adaptation—of an original poem?—to a political context, which is familiar in Plutarch.[43] It could be added that Solon was obviously very important for the political ideology of the fourth century BCE, especially for some conservatives like Isocrates,[44] and that the actions and the words which are attributed to him have to be considered with caution.[45] Thus, we must be very cautious, in order to avoid the failings of some historians who tend to use the poems and the testimonies as self-evidently reliable historical documents.

However, it seems to me necessary to make a distinction between the reconstruction of a historical personality and the understanding of an intellectual position. The 'Solonian question', like the Homeric one, while it suspects the authenticity of the texts or of a part of them,[46] ideally implies that we should try to distinguish between some original poems and poems that have been modified or fabricated, then fixed by the later tradition. When it is a question of variation (one word instead of another in a poem) or of parallel, it seems to me that the context can give the philologist some indications that may allow him to detect the manipulation and to define the earlier version. I have mentioned above Plutarch's variation; one can also refer to a recurrent process of normalization concerning the parallel passages in the Theognidean corpus: a difficult, even atypical thought is given a more immediately conceivable meaning, through a process that is obviously secondary.[47] However, since nothing can prove that the "primary"

[42] *Ath. Pol.* 12.1.

[43] Cf. one case among many others in Soph. *OT* 1169f. with the commentary of Bollack (1990) vol. 3, 761f.

[44] See the anachronistic way in which Isocrates makes Solon the founder of the good democracy that he wishes to be restored: he appeals to Solon as the father of a δημοκρατία that could not exist in his archaic age in order to legitimise the conservative system that he aspires to (esp. *Areopagitic*, 16–17).

[45] The work of Masaracchia (1958), who stresses the important role of the tradition in the construction of the Solonian figure, is a kind of pioneer for this point of view. See also Mossé (1996).

[46] Of course my remarks, which are necessarily too brief, do not aim to deny the great advance in the Homeric studies that has been allowed by the analytic approach.

[47] This question also needs a more careful study. However I shall quickly mention two occurrences. Solon fr. 6.3f. is found in Theognis too (153f.), with κακῷ, attribute of ἀνθρώπῳ, instead of πολύς, attribute of ὄλβος. In the second case, the expected moral meaning is more immediately apparent than in the first and the sentence becomes easier to understand, as a kind of *lectio facilior*. The second example is not a literal

poem has been composed by Solon himself, we are quickly reduced to silence, if we commit ourselves to the sceptical question: is it Solon's or not?

In order to escape the *aporia*, we may want to rethink the kind of information that we expect from those texts. We must give up considering these poems as being what they cannot be by nature: documentary evidence that would allow us to reconstruct some concrete *realia*, that is to say the "true" historic personality who would have delivered those words on a very precise occasion. It seems more relevant and fruitful not to look for their meaning outside, but to study them for themselves: some sixth century poems which it is worth analysing in order to understand what they are saying, and how they are saying it.[48] In this way we find out and establish facts of another, more theoretical kind. Thus, I have tried to show that the 'Eunomia' reveals a consistent and original position insofar as the poem, by using a traditional material that makes its new views more comprehensible, lays out a political reflection the different aspects of which can also be found, with the problems it raises, in certain other poems attributed to Solon.

These sixth century poems, whoever the author or authors may be, are already interesting in themselves, since they organize, as never

parallel, but the reformulation of a difficult idea. In the 'Elegy to the Muses', Solon (13.30f.) says that sometimes, the divine *moira* does not hit the guilty. Does it mean that the gods sometimes miss the target that fate has fixed? The theological difficulty of the sentence has not escaped the poet who composed lines 207f. in the Theognidean corpus. In the end of a group of lines that summarize the first part of the 'Elegy to the Muses' (197–208), the poet obviously suggests the explanation that can solve the problem by adding the seemingly missing link: the guilty man dies before he has suffered his punishment.

[48] Stehle's radically sceptical position even questions this dating when she suggests that some or all of the political poems may be pseudepigraphic and creations of a period 'creating documents to illustrate the past' (this volume, p. 110). Such a proposition and the arguments that support it are very stimulating but are themselves questionable too. Here I will discuss but one possible objection. Following Stehle's suggestion, we have to admit the existence of 'someone with poetic talent' (this volume, p. 109), who may have composed a set of political poems, with the coherence that Stehle rightly stresses and the very particular—and still archaic—skill that I have tried to emphasize in my own contribution. The hypothesis cannot be ruled out, but it seems to me a little complicated if we admit that it is more difficult to compose poems like 4 or 36 than a false decree. Moreover, Stehle admits that the political poems could have been interpreted in at least two different—and opposite—ways. Thus, we have to suppose that the same coherent set of poems should have been composed to shape a persona that could satisfy two opposite political views. Is it not simpler to consider that some pre-existing poems have been exploited in two different ways?

before in extant literature, a specifically political and ethical thought which goes so far as to show the problematic nature of its subject, namely a theory of human action. Thus, in parallel to Presocratic cosmology, the didactic poetry of the sixth century BCE explores ethics and the relation between man and his world. The issue is interesting enough not to be sacrificed to hypercriticism.

Admittedly, we cannot have any positive proof of the true 'Solonity' of any poem. However since the long poems that I have studied or mentioned reveal a consistent position and have been assigned to Solon by the tradition,[49] and since that presumed authorship suggests that antiquity considered those poems as best representing what was known or imagined about the Athenian politician/poet, I have used Solon's name in my contribution. Herodotus, in a sense, did the same: even though he quotes no poem that will be later attributed to Solon, he shows that he knew some of their contents and that he considered them as Solon's.[50]

In fact, it seems to me that the question of authorship has to be asked in another way. When scholars say that it is impossible to refer to an author in the case of oral poetry, they oppose archaic oral tradition and modern conception of authorship. But it may be more relevant to shift the emphasis of the problem and to ask how to conceive the possibility of individuality within the frame of oral poetry. The question is all the more legitimate that the ancients, from the earliest times (see for instance Hesiod, *Theog.* 22), use markers of individuality that must have been significant for them. For sure, the problem is complex, but the analysis of the texts, by revealing much more than formal consistencies, shows that it deserves our interest.

[49] I cannot study here the problem of the transmission of fr. 4, which the best manuscripts of Demosthenes' speeches do not give in its totality. I shall just say that I agree with Rowe (1972) that Solon's poem in its entirety is the 'central metaphor of Demosthenes' persuasive purpose' (449).

[50] The most obvious evidence is the reference to poems 13 and 27 in Hdt. 1.32. For the relationship between Solon's reported speeches to Croesus and the extant fragments of Solon's poetry, see Chiasson (1986). I especially agree with him when he says that Herodotus adapts some Solonian poems to his own point of view.

Bibliography

Adkins, A.W.H. 1985. *Poetic Craft in the Early Greek Elegists*. Chicago.

Almeida, J. 2003. *Justice as an Aspect of the Polis Idea in Solon's Political Poems. A Reading of the Fragments in Light of the Researches of New Classical Archaeology*. Mnemosyne Suppl. 243. Leiden / Boston.

Andrewes, A. 1938. Eunomia. *CQ* 32: 89–102.

Anhalt, E.K. 1993. *Solon the Singer. Politics and Poetics*. Lanham.

Benveniste, E. 1969. *Vocabulaire des institutions indo-européennes*, 2. *Pouvoir, droit, religion*. Paris.

Blaise, F. 1995. Solon. Fragment 36 W. Pratique et fondation des normes politiques. *REG* 108: 24–37.

Blaise, F. forthcoming. Entre dieux et hommes: Solon, le poète-roi (provisional title).

Bollack, J. 1990. *L'Oedipe roi de Sophocle*. 4 vols. Lille.

Campbell, D.A. 1967. *Greek Lyric Poetry. A Selection of Early Greek Lyric, Elegiac and Iambic Poetry*. London / Toronto / New York.

Chantraine, P. 1953. *Grammaire homérique, 2: Syntaxe*. Paris.

Chiasson, C.C. 1986. The Herodotean Solon. *GRBS* 27: 249–262.

Edmonds, J.M. 1931. *Elegy and Iambus being the Remains of all the Greek Elegiac and Iambic Poets from Callinus to Crates excepting the Choliambic Writers with the Anacreonta in two Volumes newly edited and translated*. Cambridge, MA / London.

Ehrenberg, V. 1946. *Aspects of the Ancient World. Essays and Reviews*. Oxford.

Falco, V. de 1949. Due note filologiche I: Ancora sul framm. 1 di Arciloco. *Emerita* 108: 148–153.

Gagarin, M. 1986. *Early Greek Law*. Berkeley / Los Angeles / London.

Gerber, D.E. 1999. *Greek Elegiac Poetry from the Seventh to the Fifth Centuries BC edited and translated by DEG*. Cambridge, MA/London.

Havelock, E.A. 1978. *The Greek Concept of Justice*. Cambridge, MA/London.

Jaeger, W. 1926. Solons Eunomie. *SPAW* (*Phil.-Hist. Kl.*) 11: 69–85. Repr. in *Scripta Minora* 1, 315–337. Roma 1960. English transl. in *Five Essays*, 75–99. Montreal 1966.

Masaracchia, A. 1958. *Solone*. Firenze.

Mossé, Cl. 1996. Due miti politici: Licurgo e Solone. In *I Greci. Storia Cultura Arte Società*, 2. *Una storia greca, I. Formazione*, ed. S. Settis, 1325–1335. Torino.

Mülke, Ch. 2002. *Solons politische Elegien und Iamben (fr. 1–13; 32–37 West). Einleitung, Text, Übersetzung, Kommentar*. München/Leipzig.

Noussia, M. 2001. *Solone. Frammenti dell'opera poetica. Premessa di H. Maehler, Introduzione e commento di MR. Traduzione di M. Fantuzzi*. Milano.

Ostwald, M. 1969. *Nomos and the Beginnings of the Athenian Democracy*. Oxford.

Rousseau, Ph. 1996. Instruire Persès. Notes sur l'ouverture des *Travaux* d'Hésiode. In *Le Métier du mythe. Lectures d'Hésiode*, eds. F. Blaise, P. Judet de La Combe and Ph. Rousseau, 93–167. Lille.

Rowe, G.O. 1972. A Problem of Quotation in Demosthenes' Embassy Speech. *TAPhA* 103: 441–449.

Treu, M. 1955. *Von Homer zur Lyrik. Wandlungen des griechischen Weltbildes im Spiegel der Sprache* (*Zetemata*, 12). München.
Vlastos, Gr. 1946. Solonian Justice. *CPh* 41: 65–83.

CHAPTER FIVE

STRATEGIES OF PERSUASION IN SOLON'S ELEGIES

Maria Noussia

As recent works on early or "pre-rhetorical" / "pre-conceptual" rhetoric have shown,[1] there is good reason to believe that a practical understanding of the means of persuasion existed long before the advent of formal rhetoric in the late fifth and early fourth centuries BC. In this paper I will explore the concept of "pre-rhetorical rhetoric" in the elegies of Solon.[2] There is still no widespread recognition of the rhetorical dimension of Solon's poetry, despite a certain number of recent studies.[3] In order to uncover Solon's argumentative operation and strategies of persuasion I will rely heavily on Aristotle (and to a much lesser degree, on the late fourth century BC treatise *On Rhetoric dedicated to Alexander*, which has been transmitted among Aristotle's works but is generally attributed to the sophist Anaximenes of Lampsacus, and which centres on quick, concise instruction about convincing an audience). As a systematic tract, Aristotle's *Rhetoric* allows us to identify a number of effects and devices in earlier texts, even if the writers of those texts did not use Aristotle's terminology or method of reasoning, and even if not everything is explicable in Aristotle's terms. Of course Aristotle's

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[1] E.g. Walker (2000); Karp (1977); Enos (1993); Cole (1991); Kennedy (1963) 26–51. There is still, however, no textbook on "pre-rhetorical" rhetoric. I am most grateful to C. Carey, M. Fantuzzi, R. Hunter and M. Vetta for stimulating criticism of an earlier draft of this paper as well as to the organizers and the participants of the Nijmegen Conference for much help and criticism before, during and since that occasion. Warm thanks are also due to J. Hanink for improving the English of the text.

[2] The paper focuses exclusively on the elegiac fragments and on the strategies which concern the advertisement of Solon's political project; the iambics which centre on Solon's apology, and involve therefore different strategies, are not discussed here.

[3] Adkins (1985) 31 legitimized a rhetorical approach to the body of the early elegiac poetry with the following phrase: 'That the last of the poets discussed in this book laid down his pen more than a generation before the appearance of the first rhetorical handbook is irrelevant to the existence in their works either of general rhetorical skills or of particular rhetorical figures. There are rhetorical figures in Homer. … Rhetorical figures antedate rhetorical theorists as grammar antedates grammarians'. Walker (2000) has some pages on Solon (250–273). As far as I know, the only other works on Solon's rhetoric are two articles by Magurano (1992) and (1999), which are not concerned with the elegiac fragments.

(or Anaximenes') texts systematize the practice of rhetoric in fourth-century Greece, but this fourth-century practice was very much the result of the practices of archaic Greece; in any case they certainly give us a glimpse of how later Greeks might have evaluated what they encountered in Solon (or, for that matter, in other discourse practices of archaic Greek society). I am not, however, arguing what no one who has read e.g. the *Iliad* and *Odyssey* could possibly doubt, i.e. that archaic poets knew and employed 'strategies of persuasion'; nor am I arguing that in Solon we encounter strategies that cannot be found elsewhere in other elegiac poetry. What I wish to emphasise, instead, is the value of treating Solon's text as rhetorical.

The paper is divided in two main sections. The first addresses Solon's image in secondary sources which (anachronistically) present him as an Athenian *rhêtôr* who debates proposals and argues cases in public.[4] The second closely examines the "pre- or proto-rhetorical" technique of Solon's argumentative elegies.

The secondary sources on Solon as rhêtôr

The role that classical Athens ascribed to Solon in the history of rhetorical activity is splendidly illustrated by Plutarch's account of the Spartan arbitration between Athens and Megara over the island of Salamis. According to that account (*Solon* 10), during the Spartan arbitration Solon persuasively argued the Athenian claim to the island by citing Homer: at the arbitration he read aloud two verses from the Catalogue of Ships (*Il.* 2.557–558) where it was said that Ajax led twelve ships from Salamis to Troy, and stationed them where the Athenian forces were based. Solon is also reported to have used another argument from "authority", namely a Delphic oracle that called Salamis 'Ionian'.[5] The second verse of the *Iliad*-couplet which mentioned the Athenians prompted debate already in antiquity, and was even athetised as interpolation by the Athenians or by Solon himself. With the Delphic oracle, the *Iliad*-couplet, and another, quite different sort of argument that

[4] On the terms *rhêtôr*, *rhêtoreia* see the discussion by Walker (2000) 30–41 with bibliography.

[5] As David (1985) 10 notes: 'Solon must have solicited the support of the Pythian Apollo by asking him the proper question'. On the Delphic oracle see also Plato, *Leg.* 738C, 914 A, and Higbie (2004) 301–303. On the whole episode cf. also Higbie (1997).

was based on material evidence (Athens and Salamis shared the burial custom of placing bodies in tombs facing west while Megara in tombs facing east), Solon would have succeeded in ensuring Athenian control over the island.

We need not accept Plutarch's account as historically accurate: on the contrary, despite some isolated defences of his chronology, the Spartan arbitration is most often considered to have taken place after Solon's time,[6] dated to the 570's or early 550's or even to 519/18 BC. But Plutarch's account is important because, as stated above, it splendidly illustrates the role that classical Athens ascribed to Solon in the history of rhetorical activity. On the one hand, when Aristotle discusses what makes the best evidence in an argument (*Rhetoric* 1.1375b),[7] he ranks highly the stratagem of using Homer.[8] On the other hand, the story itself proves that the classical or Hellenistic age credited the figure of Solon with 'the deployment of a critical argument about empirically testable phenomena side by side with arguments drawn from the authority of myth'.[9] But, beyond this, for later Greeks Solon's time was credited with something like a public forensic procedure within which Solon's arguments were 'allowed to stand or fall in competition with rival claims offered from the other side'.[10] In this respect, the behaviour and the practice of a classical *rhêtôr* were attributed to Solon. We may suspect that such an image has been influenced by the legend of Solon (Solon was often credited with events, customs and laws which may have been neither current in his time nor even the work of a single individual).[11] However, the internal evidence of the surviving poems, the only 'texts' later Greeks had at their disposal to inform themselves about Solon's ability in the art of words, does reveal that Solon chose a variety of strategies of persuasion which would later characterise professional orators. There was of course a precedent for this role of Solon in the pre-history of rhetoric: Solon the orator *ante litteram* seems to

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[6] On the chronology of the war for Salamis see Noussia (2001) 224.

[7] Aristotle does not name Solon expressly, but speaks generally of the Athenians. On other sources that mention the event, cf. Noussia (2001) 223.

[8] Cf. also Higbie (1997) 287. According to Aristotle, *Rhet.* 1.1376a20–21, πιστότατοι δ' οἱ παλαιοί· ἀδιάφθοροι γάρ ('ancient witnesses are the most trustworthy of all, for they cannot be corrupted'). For the translation of Aristotle's *Rhetoric* I have used Kennedy (1991).

[9] Buxton (1982) 11.

[10] Buxton (1982) 11.

[11] Thomas (1989) 280 n. 129 on the concept of 'cultural hero'.

synthesise the sorts of verbal and non-verbal behaviour associated in particular with the Homeric Odysseus.

The narrative in the ancient sources of the performance of the poem *Salamis* by Solon (of which we have fragments 1–3) presents various elements that depict such performance as a sort of a fully pre-rhetorical staging. The main source, Plutarch, *Solon* 8, prefaces his quotation from the *Salamis* elegy with the statement that Solon, frustrated by the law forbidding any reference to Salamis as a bone of contention between Athens and Megara in writing or speech, feigned insanity, secretly composed a few elegiac lines, rehearsed them so that he could recite them from memory, went to the *agora* wearing a cap upon his head (πιλίδιον),[12] and, standing on the herald's stone, recited his poem before the assembled crowd. Leaving aside the ancient testimonies, Solon's self-declaration as a herald from Salamis in the first line of the Salamis poem (αὐτὸς κῆρυξ ἦλθον ἀφ' ἱμερτῆς Σαλαμῖνος) itself carries a high degree of logical anomaly because an Athenian could not sensibly declare himself to be a herald from an island held in enemy hands.[13]

These simulations of "strangeness", coupled with the delivery of a speech in disguise, would have been easily understood in archaic Greece as a στρατήγημα; devices like this were used commonly by the archaic orators. The earliest source to suggest some kind of disguise in Solon's performance of the Salamis poem, the pseudo-Aristotelian *Homeric Problems* (Aristotle, fr. 368 Gigon), already compares Solon's actions when he gathered a crowd for Salamis with Odysseus' cunning act in the second book of the *Iliad* (ll. 183–197).[14] When the goddess Athena asked Odysseus to stop the flight of the Greek troops from Troy after Agamemnon's speech, he set the stage for his speech: he threw off his cloak, and run through the camp wearing only his *chiton*. Aristotle says that the gesture was inappropriate (ἀπρεπές) for Odysseus but that it was so that the mob, marvelling (θαυμάζων), would turn around and

[12] The hat was most probably the πῖλος of the herald, and intended to underline symbolically the role that Solon's own text, line 1 gave him, namely that of a *kêryx*. In other words, through the reference to the hat Solon would most probably enact a herald because he wanted to appear holy and untouchable as heralds were. But the legendary evolution misunderstood it for a πιλίδιον, a night-cap or invalid's cap, worn to enforce the appearance of madness—which of course would simply be another form of enacting.

[13] Further discussion in Noussia (2001) 225–229.

[14] But certainly it was too vague a parallel to allow us to suppose that Solon's self-presentation in the performance of *Salamis* was an autoschediastic construction inferred from Odysseus' στρατήγημα in the *Iliad*.

that his voice would carry with greater force as they came together from various places (the scholion on *Il.* 2.183 also considered it a way 'to turn around the mob with an incredible spectacle').[15] Apart from this episode, 'in the only detailed Homeric portrait of an orator at work, Odysseus is shown as having a consciously chosen rhetorical manner which involved deliberately incomplete and misleading presentation of himself', as well as the creation of false expectations in the audience.[16]

In book 3.216–224 we have Antenor's reminiscence of Odysseus: Odysseus got up fast to speak, but stood still for a time (στάσκεν, l. 217), looking at the ground as though at a loss (ὑπαὶ δὲ ἴδεσκε κατὰ χθονὸς ὄμματα πήξας, l. 217); when he began, he made no gestures with the speaker's staff but held it motionless (ἀστεμφὲς ἔχεσκεν, l. 219) before him, appearing to be an unknowledgeable man, sullen and stupid (ἀίδρεϊ φωτὶ ἐοικώς· / φαίης κεν ζάκοτόν τέ τιν' ἔμμεναι ἄφρονά τ' αὔτως, ll. 219–220). Then the voice, produced from his chest, changed the whole impression: his words seemed like snowflakes in their copiousness, and he was revealed as a man with whom none could vie in speech (οὐκ ἂν ἔπειτ' Ὀδυσῆΐ γ' ἐρίσσειε βροτὸς ἄλλος, l. 223). Solon may have aimed at exploiting the ἀπροσδόκητον-effect provoked by the gap between the sharpness of his words and his 'mad' look through the hat (if the ancient testimonies are to be believed on this), or certainly the anomalous declaration to come as a herald from an island that was in enemy hands in the first line of the Salamis elegy. Aristotle in the *Rhetoric* (3.1415b) identifies τὰ θαυμαστά (things wonderful/surprising) as a good effect to strive after in *prooimia*, in order to stimulate attentiveness. One could perhaps treat line one of the *Salamis* poem as a kind of extra-oratorical attempt to achieve the same effect, again at the outset. Plutarch is also the source who indirectly connects Solon to another master of words, Themistocles (*Them.* 2.6). He reports that Themistocles was a pupil of Mnesiphilus, an expert of what was called at his time *sophia* or wisdom (this, Plutarch says, was really nothing more than clev-

[15] Schol. ad *Il.* 2.183b (Erbse): διὰ τὸ ἐπιστρέφειν τῇ παραδόξῳ θέᾳ τοὺς πολλούς. On the representation of Odysseus as an orator in early Greek literature see now Worman (2002); in particular on the ways Homer associates Odysseus with modes of costuming and disguise that parallel his elusive style of speech see Worman (2002) 82–107; on Odysseus as emblem of deception see Worman (2002) 115–118, 181–182. For the analogy between Solon's and Odysseus' deceiving strategies, cf. also Vox (1984) 17–48. According to Plutarch, *Sol.* 30 Solon once identified Pisistratus' cunning as an example of Odysseus' strategies of deceit and disguise. For another Solonian re-use of Odysseus' attitudes in his poems see fr. 19 with Noussia (2001) 278–279.

[16] Cramer (1976) 303. On the use of *apatê* in ancient oratory see Manzo (1987).

erness in politics, δεινότης πολιτική, and practical sagacity, δραστήριος σύνεσις). According to Plutarch Mnesiphilus would have received this *sophia* and passed it down, as though it were the doctrine of a sect, in unbroken tradition from Solon (ἐκ διαδοχῆς ἀπὸ Σόλωνος).[17]

So far we have been dealing largely with reception of Solon, what tradition ascribes to Solon, and what image of him thus emerges. In the remaining part of the paper I will address the internal evidence of the poems themselves that must be examined in order to identify Solon's strategies to reinforce his message, and to determine how well or rather how carefully Solon disciplined poetry as a mode of self-expression.

Solon's elegies

Solon sought (or claimed to seek) to create and use elegy to suit the purposes of the *polis* as a whole,[18] including all its members (rather than to exclude or to speak in favour of a faction, as in the poetry of Theognis or Alcaeus, for instance) and all the aspects of their lives, considering also the dimension of pleasure. The distinctiveness of Solon's elegy centres precisely on this non-exclusive function of his poetic σοφίη, and this is the ideology constantly "propagated" in his elegiac verses. In order to structure and to emphasize his message, Solon employs a range of recognisable rhetorical devices.

Though we should not expect and in fact do not get an argument developed in the manner of later oratory, Solon's presentation of a case does have a strong appeal to rationality. Solon most often uses references to the world of nature and natural phenomena, and he also argues on the basis of evidence, everyday reality and popular morality. In particular he uses images from the world of nature to 'illustrate' the key-ideas of his ethical/political system. In fr. 4.35, a plant metaphor is used by Solon in order to illustrate the activity of *atê* and the operation of *eunomia* on it;[19] for Solon means that *eunomia* eliminates the external

[17] On the tradition which presents Solon as an orator see also the sources cited by Magurano (1992) 200, and n. 43; 212.

[18] Cf. Anhalt (1993) 7.

[19] Fr. 4.35: αὑαίνει δ' ἄτης ἄνθεα φυόμενα ([eunomia] shrivels up the budding flowers of sin). Cf. Aesch. *Pers.* 821–822 ὕβρις γὰρ ἐξανθοῦσ' ἐκάρπωσεν στάχυν ἄτης, and *Sev.* 601 ἄτης ἄρουρα θάνατον ἐκκαρπίζεται most probably influenced by this Solonian metaphor. On the links between *atê* and vegetable imagery, cf. Michelini (1978). For Solon's poems I have used the translation of West (1994).

manifestations of *atê*. Metaphor, notes Aristotle, is especially characterized by clarity (τὸ σαφές) and sweetness (τὸ ἡδύ) and makes what is said seem unusual (τὸ ξενικόν), thus striking (*Rhet.* 3.1405a10). To speak of *eunomia* that dries up the blooming flowers of *atê* is in Aristotelian terms actualization/vivification (ἐνέργεια) and metaphor.[20] But the metaphor from the world of agriculture denotes an operation certainly known to Solon's hearers who through the emphasis on the visual (the bringing-before-the eyes) 'see' something in a different way.[21]

Examples of the references to the natural phenomena we also find in the following texts:

ἀρχῆς δ' ἐξ ὀλίγης γίγνεται ὥστε πυρός,
φλαύρη μὲν τὸ πρῶτον, ἀνιηρὴ δὲ τελευτᾷ·

from a small beginning [calamity] grows like fire,
a trifling thing at first but grievous in the end. (fr. 13.14–15)

ἀλλὰ Ζεὺς πάντων ἐφορᾷ τέλος, ἐξαπίνης δέ
ὥστ' ἄνεμος νεφέλας αἶψα διεσκέδασεν
ἠρινός, ὃς πόντου πολυκύμονος ἀτρυγέτοιο
πυθμένα κινήσας, γῆν κάτ πυροφόρον
δῃώσας καλὰ ἔργα θεῶν ἕδος αἰπὺν ἱκάνει
οὐρανόν, αἰθρίην δ' αὖτις ἔθηκεν ἰδεῖν,
λάμπει δ' ἠελίοιο μένος κατὰ πίονα γαῖαν
καλόν, ἀτὰρ νεφέων οὐδ' ἓν ἔτ' ἐστὶν ἰδεῖν.
τοιαύτη Ζηνὸς πέλεται τίσις·

Zeus supervises every outcome. Suddenly
like a March wind he sweeps the clouds away,
a gale that stirs the billowing ocean to its bed
and ravages the tidy fields of wheat
before ascending to the gods' high seat in heaven,
and then, behold, the sky is clear again:
the strong sun shines out in the fertile countryside
in beauty; not a cloud remains to see.
Such is the punishment of Zeus. (fr. 13.17–25)

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[20] On the differences between ἐνέργεια 'actualization'/'vivification' and ἐνάργεια 'clearness'/'distinctiveness' as rhetorical terms cf. Kennedy (1991) 249 n. 133 with further bibliography. The image of δημόσιον κακόν in ll. 26–29 (jumping over the high fence and tracking the man down as he flees to the innermost part of his house) is another example that constitutes ἐνέργεια because δημόσιον κακόν seems living through being actualized. As notes Kennedy (1991) 249 n. 133 *energeia* is sometimes, but not always, 'personification'.

[21] Λέγω δὴ πρὸ ὀμμάτων ταῦτα ποιεῖν, ὅσα ἐνεργοῦντα σημαίνει, 'I call those things 'before the eyes' that signify things engaged in an activity' (Arist. *Rhet.* 3.1411b29–30). On Solon's use of metaphors, see also Martin's contribution to this volume.

In the first of the similes cited above, Solon's fr. 13.14–15, the beginning of *atê* is compared with the image of fire which grows big from small beginning. Aristotle will discuss παραβολή or comparison as one of the tools of logical persuasion in *Rhet.* 2.1393a28ff. though neither there nor elsewhere else in the *Rhetoric* will he relate it to simile (εἰκών), which he regards as a stylistic device.[22] From a familiar phenomenon which can terrify (the spread of a fire) Solon moves on to an abstract or unfamiliar one (the growing of *atê*), and the inference is by analogy (to be made by the listening audience); the image, which lies at the heart of the simile, caught for Solon the essence of the action of *atê*, and his decision to use the simile here may have been prompted by the fact that no other form of words could explain better the fast and disastrous action of *atê*.

Natural phenomena also dominate imagery describing the works of the divine δίκη, in fr. 13: a short phrase of comparison (ὥστ' ἄνεμος … διεσκέδασεν) in line 19 is expanded by adding (in the manner of the extended Homeric simile)[23] a relative clause in enjambment that develops a picture which will extend for six verses. The sheer length of this simile is a demonstration of the importance Solon places on describing the works of *dikê*; in its detail and explicitness it also provides a full account of *dikê*'s working as Solon intends it: the swiftness of the spring-storm, its destructive power (where the build-up of violence expresses the accumulation of unstoppable force), the complete calm the storm finally brings, the absence of any trace of the previous turbulence evoke a most vivid image which seizes the attention and enhances memorability.[24] It is worth noting that the idea of *dikê* introduced in the simile anticipates its appearance in the narrative of the poem, so that the simile plays an essential part in structuring the presentation of the message of Solon: the *hysteron proteron* between *comparandum* and *comparatum* creates for the hearer/reader the impression that the power of the divine δίκη operates according to the known and inevitable forces of the objective and impersonal nature. The details, which are Solon's own strong

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[22] See Kennedy (1991) 229. In Dionysius of Halicarnassus, *Comp.* 11, however the εἰκών will be used as a proof (τεκμαίρομαι) of the point for which Dionysius is arguing: cf. Anderson (2000) 39.

[23] Aristotle would seem to include the lengthy Homeric similes under the term εἰκών, at least this is suggested by the allusion to *Il.* 20.164ff. in *Rhet.* 3.1406b22: cf. Anderson (2000) 38. On the extended Homeric simile see lastly Minchin (2001) with further bibliography.

[24] On the simile see further Noussia (2001) 198–199.

"interpretations" intended to put fear into those who commit hybris, are represented instead as having been suggested to him by nature. In fact, the appeal to examples from real life (more effective than theoretical descriptions and admonition) is an idea that ancient authors like Cicero would later stress.[25] In his *Rhetoric* (1.1356b29–31) Aristotle said that 'the persuasive is persuasive to someone' (τὸ πιθανόν τινὶ πιθανόν ἐστι) 'and is either immediately plausible and believable in itself or seems to be shown by statements that are so', and in the *Topica* (I, 10.104a 5–8) that 'no man of sense would put into a proposition that which is no one's opinion' (τὸ μηδενί δοκοῦν) 'nor into a problem that which is manifest to everyone or to most people' (τὸ πᾶσι φανερὸν ἢ τοῖς πλείστοις); 'for the latter raises no question, while the former no one would accept' (τὰ μὲν γάρ οὐκ ἔχει ἀπορίαν, τὰ δ' οὐδεὶς ἂν θείη). The *phenomena* we perceive empirically with our senses, and we see or hear regularly repeated in the world of nature have inevitably a special persuading force (πειθώ), since the truth or falseness of the arguments based upon them or developed out of them can be immediately acknowledged or proven.[26]

A very famous example of argumentation of such a type is found in a passage from Sophocles' *Ajax* which uses considerable rhetoric to persuade, in the so-called *Trugrede* of *Ajax*,[27] lines 669–677:

καὶ γὰρ τὰ δεινὰ καὶ τὰ καρτερώτατα
τιμαῖς ὑπείκει· τοῦτο μὲν νιφοστιβεῖς
χειμῶνες ἐκχωροῦσιν εὐκάρπῳ θέρει·
ἐξίσταται δὲ νυκτὸς αἰανὴς κύκλος
τῇ λευκοπώλῳ φέγγος ἡμέρᾳ φλέγειν·
δεινῶν δ' ἄημα πνευμάτων ἐκοίμισε
στένοντα πόντον· ἐν δ' ὁ παγκρατὴς Ὕπνος
λύει πεδήσας, οὐδ' ἀεὶ λαβὼν ἔχει.

[25] Cic. *Paradox. Stoic.* 10.

[26] Cf. also Plutarch, *Per.* 8 on Pericles' style of discourse who made use of Anaxagoras, subtly mingling with his rhetoric the dye of natural science (οἷον βαφὴν τῇ ῥητορικῇ τὴν φυσιολογίαν ὑποχεόμενος).

[27] Ajax' speech and what he means by it is highly controversial. See most recently Lardinois (2005) with further bibliography. Another example is found in Euripides, *Phoen.* 542–548, where Iocaste, in her address to Eteocles who has deprived his brother Polynices of his equal right to the kingdom of Thebes, draws a parallel between the order of the state and that of the world when she argues that as 'night and day interchange equally in their course, so there should be interchange of office in the state' (cf. Powell 1911, ad 535–551), and thus advocates 'equity presented as a cosmic principle of cyclic change both desirable and inevitable' (cf. Craik 1988, ad 528ff.). For the use of

> Why, the most formidable and the most powerful of things bow to office; winter's snowy storms make way before summer with its fruits, and night's dread circle moves aside for day drawn by white horses to make her lights blaze; and the blast of fearful winds lulls to rest the groaning sea, and all-powerful Sleep releases those whom he has bound, nor does he hold his prisoners forever.[28]

Here Ajax tries to persuade Tecmessa and the chorus that he has abandoned his desire to revolt against the Greek leaders; he therefore compares the inevitability of his obedience to the Greek authorities (τιμαί) with the inevitability of the event of succession and transience in nature. The manipulation of this 'natural truth' becomes even more effective from the fact that Ajax's false 'submission' is paralleled with a positive world framework in which a series of negative elements (winter, night, storm, sleep) submit to and are succeeded by their corresponding positive elements: summer, day, quietness etc.).[29] One may also compare the way Archilochus uses the unusual phenomenon of the eclipse of 648 BC to argue that men can believe and even expect anything, fr. 122.1–9: 'nothing is to be unexpected or sworn impossible or marvelled at, now that Zeus father of the Olympians has made night out of the noonday, hiding away the light of the shining sun, and clammy(?) fear came over people. From now on men can believe and expect anything; let none of you any longer marvel at what you see, not even if wild animals take on a briny pasturage in exchange with dolphins and the crashing waves of the sea become dearer to them than the land, the wooded mountain dearer to dolphins' (trans. Gerber 1999).

In the examples discussed above the use of analogy is logical, and implicitly leads to establishing logical identifications even though it is not syllogistic: Solon is arguing that certain causes always produce certain effects. The idea of natural law to which he is applying reinforces his ideas giving to the latter the concrete inevitability of the former. The naturalistic philosophy of Anaximander, Solon's contemporary, had maintained the notion that some natural elements may be 'unrighteous' amid the cosmological process when the rival principles prevail over one another in a non-uniform, impersonal and inevitable

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natural phenomenon in argumentation cf. Mastronarde (1994) ad 546–547 who adds a similar argument found in Ar. *Nub.* 1292–1295.

[28] Translation: Lloyd-Jones (1994).

[29] Cf. Mazzoldi (1999) 179.

manner (cf. above all *VS* 12B1).[30] As Gentili demonstrated long ago,[31] in fr. 12 Solon's principal idea of justice, *dikê*, as something 'natural' and his identification of it with the 'stability' of the sea when disturbing winds are absent was precisely the value *dikê* had in the cosmological system of Anaximander.

> ἐξ ἀνέμων δὲ θάλασσα ταράσσεται· ἢν δέ τις αὐτὴν
> μὴ κινῇ, πάντων ἐστὶ δικαιοτάτη.

> It's by the winds the sea's disturbed: if nobody
> stirs it, it stays of all things best-behaved.

Solon must have been acquainted with the Ionian philosophy (also as a result of his travelling). δίκη is the healthy absence of those turbulent factors which disturb the *dêmos* and the city. As soon as we accept that δικαιότατος (and its implied opposite) describes and evaluates the state of absence of turbulent factors (and its implied opposite) whether in the natural or the political world, the alteration that the winds create in the sea by disturbing its 'natural' state becomes of the same kind as that which the bad powerful citizens commit to the *dêmos* and the *polis*. The idea of *dikê* is, broadly speaking, a social and political idea, and it might be interpreted in different ways (Hesiod's idea of *dikê* was substantially different, as is well known), but in the poem Solon's own idea of *dikê* conveys the "naturality" and the "universality" which characterised archetypal natural elements.[32]

In fr. 9.1–4, cited below, the scale of the comparison is like that of a Homeric simile, which is all the more striking in such a small-scale fragment. This may be intended to enhance the effect by adding grandeur to the poem.

> ἐκ νεφέλης πέλεται χιόνος μένος ἠδὲ χαλάζης,
> βροντὴ δ' ἐκ λαμπρῆς γίγνεται ἀστεροπῆς·
> ἀνδρῶν δ' ἐκ μεγάλων πόλις ὄλλυται, ἐς δὲ μονάρχου
> δῆμος ἀϊδρίῃ δουλοσύνην ἔπεσεν.

> As from the cloudbank comes the storm of snow or hail,
> and thunder follows from the lightning flash,

[30] Simplic. *Phys.* 24.13 Ἀ. … ἀρχὴν … εἴρηκε τῶν ὄντων τὸ ἄπειρον …. ἐξ ὧν δὲ ἡ γένεσίς ἐστι τοῖς οὖσι, καὶ τὴν φθορὰν εἰς ταῦτα γίνεσθαι κατὰ τὸ χρεών· διδόναι γὰρ αὐτὰ δίκην καὶ τίσιν ἀλλήλοις τῆς ἀδικίας κατὰ τὴν τοῦ χρόνου τάξιν.

[31] Gentili (1975) who also explains why other suggestions for the meaning of *dikê* in Solon's texts are not satisfactory; see also Kahn (1960) 178–183. For similar thinking on *dikê* in Parmenides and Heraclitus see Noussia (2001) 285.

[32] On Solon's *dikê* see also the contribution by Blaise in this volume.

exalted men portend the city's death: the folk
  in innocence fall slave to tyranny.

The meteorological images first of all 'bring out the elemental power of the process described, but also reveal the iron law of causality that governs political and social life corresponding to the absolute necessity of nature'.[33] Solon does not touch on the subject of nature in the simplistic manner that the context of Plutarch's narration of this fragment suggests, nor does he simply use the tradition, well established in archaic poetry (Archilochus, Alcaeus), which explains negative ideas such as war, civil disorder, and discord in terms of meteorological phenomena.[34] Though the use of meteorological analogy is held in common with Homer (and the authority of Homer may be important for the persuasive power of the image), Solon is not simply re-using Homeric imagery. Masaracchia tried to connect Solon's meteorological allegory with Zeus, since in epic Zeus oversees meteorological phenomena (e.g. *Il.* 2.146, 10.154, 13.796), and Solon himself in fr. 13 had explicitly compared Zeus' punishment with the spring-wind.[35] In this fragment, however, Solon's approach to the physical aetiology of the natural phenomena seems to eschew divine causation, since no reference is made to Zeus.[36] Solon seems instead to exploit the popularity of the meteorological speculations among the Ionian philosophers of his time, and most probably refers again (as in fr. 12) to Anaximander's theory of nature: according to this theory lightning and thunder were a product of the clouds, no less than the snow and hail; more specifically the doctrine of Anaximander attributed thunder, lightning, thunderbolts, and hurricanes to the interaction of winds and clouds.[37] Not only, then, are the dynamics of politics as Solon's perspective presents them a sort of 'reflection' of those that move the world of nature, but this very world itself is presented in the most actual and convincing way. For those of Solon's audience who were aware of the developments of Anaximan-

[33] As remarked by Jaeger (1926 [1966]) 93; see also Müller (1975) 135.

[34] Archil. fr. 105, Alc. *PLF* 208 Voigt; see Edmunds (1987) 9 for later instances.

[35] Masaracchia (1958) 298–299.

[36] See further Noussia (2001) 281–282.

[37] According to the testimony of Aëtius (*VS* 12A23) περὶ βροντῶν ἀστραπῶν κεραυνῶν πρηστήρων τε καὶ τυφώνων. Ἀ. ἐκ τοῦ πνεύματος ταυτὶ πάντα συμβαίνειν· ὅταν γὰρ περιληφθὲν νέφει παχεῖ βιασάμενον ἐκπέσῃ τῇ λεπτομερείᾳ καὶ κουφότητι, τόθ' ἡ μὲν ῥῆξις τὸν ψόφον, ἡ δὲ διαστολὴ παρὰ τὴν μελανίαν τοῦ νέφους τὸν διαυγασμὸν ἀποτελεῖ. Anaximander's point was to be reaffirmed by other naturalistic philosophers: by Anaximenes, *VS* 13A17, Heraclitus, *VS* 22A14 and Anaxagoras, *VS* 59A1.9.

der, this adds to the logical force, supplementing the appeal to Homer. For those who were unaware, the efficiency of Solon's persuasion was reinforced by the novelty of the arguments.

In terms of rhetoric, concrete illustration is more easily grasped and retained by a live audience. Besides the arguments derived from the concrete world of nature, Solon argues for the truth of his beliefs on the basis of other aspects of everyday reality. In the *Rhetoric ad Alexandrum* 1430b3–5 it is said that when you say something that is usually accepted (ἔνδοξον), there is no need to produce reasons because what you say is not unfamiliar and does not meet with incredulity (οὔτε γὰρ ἀγνοεῖται τὸ λεγόμενον οὔτ' ἀπιστεῖται). Solon at times ends up transforming these truths into *his* truth. We note this especially in fr. 24, which starts with the use of a paradox in the notion 'to have enough is as good (*ison*) as to possess boundless wealth' (ll. 1–6). The poem is clearly designed for a sympotic performance, yet this sympotic production of a kind of *carpe diem* philosophy, emphasized by the inescapability as well as universality of death, is tied to the statement that excessive possession of *chrêmata*, περιώσια χρήματα, is useless (ll. 7–10).[38]

> ταῦτ' ἄφενος θνητοῖσι· τὰ γὰρ περιώσια πάντα
> χρήματ' ἔχων οὐδεὶς ἔρχεται εἰς Ἀΐδεω,
> οὐδ' ἂν ἄποινα διδοὺς θάνατον φύγοι, οὐδὲ βαρείας
> νούσους, οὐδὲ κακὸν γῆρας ἐπερχόμενον.

> this is a man's true wealth: he cannot take all those
> possessions with him when he goes below.
> No price he pays can buy escape from death, or grim
> diseases, or the onset of old age.

Condemnation of excess of wealth is a topic that Solon treated elsewhere in his poetry but without drawing on popular morality. This can, however, be seen at work in fr. 24: excess of wealth will be of no avail against disease, old age, and death. Besides, as Walker notes,[39]

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[38] In the discussion of the paper A. Lardinois pointed out to me that Plutarch's quotation of the poem (*Sol.* 2.3) does not include ll. 7–10 and that the poem as a whole is cited only by Stobaeus 4.33.7, vol. 5.798–799 Hense as Theognidean. Plutarch, however, cites the poem in order to show that Solon was not an admirer of wealth, and may not have been interested at this point in Solon's reflections about death. In the same section he also cites only two lines (7–8) from Solon's long elegy to the Muses which prove best his point. Thus, his silence may be or may not be significant. For two different views on these lines see Jacoby (1918) 302 n. 2 who considered them as additions which used Mimnermus; for a defence of the lines Masaracchia (1958) 313–314.

[39] Walker (2000) 265.

Solon further exploits traditional lore (regarding, e.g., the Furies) when he emphasises that Justice's revenge will come as an inexorable consequence of the behaviour of the Athenians (fr. 4.15–31).

Furthermore, there is a fair amount of maxims in his elegies (see, e.g., fr. 13.35: the famous idea of πάθει μάθος; fr. 29; fr. 30). Aristotle, who considered gnomic sayings as a tool of logical argument, noted in the *Rhetoric* (2.1395b7) the advantages of the use of maxims in one's speech: 'the hearers are pleased to hear stated in general terms the opinion which they have already specially formed.' Furthermore, the effect of the maxims is that they make the speech ethical, because 'he who employs them in a general manner declares his moral preferences; if then the maxims are good they show the speaker also to be a man of good character' (2.1395b16).

'Among the many good fortunes of Athens', wrote Bowra in 1938, 'not the least was that in the early years of its history it produced a man so honest, so fair, so scrupulous, so public-minded as Solon'.[40] This is the image that Solon constantly projects in his poetry, and for many years managed also to persuade modern scholars, not only the majority of his fellow-citizens of its truth. Aristotle noted that 'for the orator to produce conviction three qualities are necessary; for, independently of demonstrations, the things which induce belief are three in number. These qualities are good sense (φρόνησις), virtue (ἀρετή), and good will (εὔνοια); for speakers are wrong both in what they say and in the advice they give, because they lack either all three or one of them. For either through want of sense they form incorrect opinions, or, if their opinions are correct, through viciousness they do not say what they think, or, if they are sensible and good, they lack goodwill; wherefore it may happen that they do not give the best advice, although they know what it is. These qualities are all that are necessary, so that the speaker who appears to possess all three will necessary convince his hearers'.[41]

Solon repeats constantly how much the city of Athens means to him: he refers to it as a μεγάλη πόλις (fr. 4.5), as a πολυήρατον ἄστυ (fr. 4.21), while in fr. 4a Solon's statement about the pain that lies within his heart as he looks on the land of Ionia tottering is modelled on two Homeric

[40] Bowra (1938) 104.

[41] Arist. *Rhetoric* 2.1378a7. Cf. Gill (1984) 153: that the speaker has to show himself as disposing of a good *ethos*, of an ability to show that he is trustworthy, that he has the socially approved ἀρεταί, that he makes decisions and performs actions as a good man should is an idea that will make its appearance in the *Rhetoric* as one of the kinds of proof, the ethical one.

passages which both deal with paternal pains for the children (*Od.* 24.423; *Il.* 24.522f.); as Vox notes Solon could exploit this connotation here, to imply that the depression he feels for his fatherland ranges among the close and intimate father-son feelings.[42] Yet, differently than Solon, in fr. 4.5–8, the citizens of Athens by their acts of foolishness (ἀφραδίῃ) and subservience to money are willing to destroy the city, and the mind of the people's leaders is unjust (ἄδικος νόος), and are certain to suffer much pain as a result of their great arrogance; again in lines 21–22 it is stated that the city of Athens is being swiftly worn down at the hands of its enemies (οἱ δυσμενεῖς). In fr. 11 he objects to the facility with which the Athenians allowed themselves be seduced by the demagogues: the metonymy he uses in line 7 (ἐς γὰρ γλῶσσαν ὁρᾶτε καὶ εἰς ἔπη αἱμύλου ἀνδρός, 'to watch the tongue of somebody') is not only an example of his widespread tendency to sarcastically parody the behaviour of those whom he criticises, but also serves to reduce the dimension of the political proposals of his rival(s) to simple words.[43] The 'centre' between the opposing social factions (the powerful and privileged rich and the *dêmos*) is the position which Solon 'invented' to launch his program for social unity: the metaphorical image of *alêtheia* which will come *es meson* (fr. 10) may also imply that the personified Truth will eventually reach and join Solon in his own political stance, after being 'hidden' for long.[44]

In a society whose internal equilibrium was disrupted by new socio-economic problems and by political conflicts old and new, a 'propagandistic' image of this kind was very fruitful because it projected the political personality that supported it into a position superior to that occupied by the factions, and credited that personality with the power to put things in order.[45] In fr. 5, in which Solon proclaims his own equidistance from rich and poor alike, this use of balance is further reflected in the poetic form itself, which expresses equality and impartiality. As Will well notes 'in each case the talk of limited giving is reinforced precisely by the formal limits of the poem'[46] (it would have been more prudent to write 'of the poem as we have it'). His use of the shield image in the next lines is also very important: the idea of a warrior who protects

[42] Vox (1984) 53–54.
[43] Cf. Noussia (2001) 294.
[44] On the richness of this Solonian image see Noussia (2001) 287–288 and Martin's contribution to this volume.
[45] Cf. David (1985) 8–9.
[46] Will (1958) 306.

both sides with his shield is paradoxical—but is a very effective way of presenting himself as both impartial and as a remover of conflict.

In fr. 4 Solon must persuade the Athenians that the present situation of *dysnomia* (ll. 17–31) was the worst possible one, while the *eunomia* (ll. 32–39) which he presents capable of achieving the best possible solution.[47] He manages to effect this persuasion by two common rhetorical strategies. Aristotle said in the *Rhetoric* (1.1365a10–15) that 'the same whole when divided into parts appears greater' (διαιρούμενα δὲ εἰς τὰ μέρη τὰ αὐτὰ μείζω φαίνεται), 'for there appears to be superiority in a greater number of things', and gave as an example a passage of *Iliad* 9.592–594. In this passage all the κακά that come on men whose city is taken by enemies are itemised: the men are slain and the city is wasted by fire and their children (and women) are led captive by strangers: ὅσσα κάκ' ἀνθρώποισι πέλει τῶν ἄστυ ἁλώῃ· / λαοὶ μὲν φθινύθουσι, πόλιν δέ τε πῦρ ἀμαθύνει, / τέκνα δέ τ' ἄλλοι ἄγουσιν. Aristotle proceeds to claim that 'combination and building up' (τὸ συντιθέναι καὶ ἐποικοδομεῖν) 'produces the same effect as division' (διά τε τὸ αὐτὸ τῇ διαιρέσει), 'and for the same reason; for combination is an exhibition of great superiority and appears to be the origin and cause of great things' (ἡ γὰρ σύνθεσις ὑπεροχὴν δείκνυσι πολλήν) καὶ ὅτι ἀρχὴ φαίνεται μεγάλων καὶ αἴτιον (1.1365a16–19).[48]

Mimnermus too had employed these two strategies to voice the extremity of his view about old age. In two fragments describing the miseries attending old age, the Aristotelian devices of combination, building up (τὸ συντιθέναι δὲ καὶ ἐποικοδομεῖν) and of division (διαίρεσις) give length and intensity to the poet's denouncement. First in fr. 1.5–10:

> ἐπεὶ δ' ὀδυνηρὸν ἐπέλθῃ
> γῆρας, ὅ τ' αἰσχρὸν ὁμῶς καὶ κακὸν ἄνδρα τιθεῖ,
> αἰεί μιν φρένας ἀμφὶ κακαὶ τείρουσι μέριμναι,
> οὐδ' αὐγὰς προσορῶν τέρπεται ἠελίου,
> ἀλλ' ἐχθρὸς μὲν παισίν, ἀτίμαστος δὲ γυναιξίν·
> οὕτως ἀργαλέον γῆρας ἔθηκε θεός.

[47] For a complete text with translation of fr. 4, see the Appendix to this volume. On the argumentative procedure of the poem see also Walker (2000) 264–267 and Blaise's contribution to this volume.

[48] See also *Rhet. Alex.* 1426b10 on the same matter: you must also consider whether the matter bulks larger when divided up into parts or when stated as a whole, and state it in whichever way it makes a bigger show (σκοπεῖν δὲ καὶ πότερον μεῖζον φαίνεται τὸ πρᾶγμα κατὰ μέρη διαιρούμενον ἢ καθόλου λεγόμενον, καὶ ὁποτέρως ἂν μεῖζον ᾖ, τόνδε τὸν τρόπον αὐτὸ λέγειν). (Trans. Rackham 1937).

> But when **painful old age** comes on, which makes even a handsome man ugly, grievous cares wear away his heart and he derives no joy from looking upon the sunlight; he is hateful to boys and women hold him in no honour. So **harsh** has the god made **old age**.

and in fr. 2.11–16:

> πολλὰ γὰρ ἐν θυμῷ κακὰ γίνεται· ἄλλοτε οἶκος
> τρυχοῦται, πενίης δ' ἔργ' ὀδυνηρὰ πέλει·
> ἄλλος δ' αὖ παίδων ἐπιδεύεται, ὧν τε μάλιστα
> ἱμείρων κατὰ γῆς ἔρχεται εἰς Ἀΐδην·
> ἄλλος νοῦσον ἔχει θυμοφθόρον· οὐδέ τίς ἐστιν
> ἀνθρώπων ᾧ Ζεὺς μὴ κακὰ πολλὰ διδοῖ.

> For **many are the miseries** that beset one's heart. Sometimes a man's estate wastes away and a painful life of poverty is his; another in turn lacks sons and longing for them most of all he goes beneath the earth to Hades; another has soul-destroying illness. There is no one whom Zeus does not give **a multitude of ills**.[49]

It is in accordance with this principle that Solon divides in a long series of images the consequences of the violation of *dikê*, a result of hybris which brings the κακά both to the *dêmos* and to the *polis*.[50] To the sequence that lists the various ills (ἕλκος ἄφυκτον (17), δουλοσύνην (18), κακά (23), δημόσιον κακόν (26) of the *polis* and of the *dêmos*, follows the final maxim in ll. 30f. where in a first-person declaration Solon resumes what he said in ll. 17–29 and says that his heart bids him (κελεύει) to teach the Athenians.

The mention of the personified Dysnomia leads to Eunomia, the cure Solon proposes for Athens (ll. 32–39). Presented with a short hymn, Eunomia is exemplified in a kind of internal ring composition (ll. 32: Εὐνομία δ' εὔκοσμα καὶ ἄρτια πάντ' ἀποφαίνει, and 38–39: ἔστι δ' ὑπ' αὐτῆς / πάντα κατ' ἀνθρώπους ἄρτια καὶ πινυτά)[51] through another long series of images and of close repetitions that resume concepts from the part of the poem that concerned *dysnomia*.[52] More than simply invoking

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[49] Trans. of Mimnermus by Gerber (1999).

[50] Lines 23: 'these are the evils that are rife among the people' (ταῦτα μὲν ἐν δήμῳ στρέφεται κακά) and 31: 'Lawlessness brings the city countless ills' (κακὰ πλεῖστα πόλει Δυσνομίη παρέχει). In particular, we note the precise correspondence between line 17 ἔρχεται, which introduces the ruin for the entire *polis*, and line 26 ἔρχεται which introduces the lot awaiting each individual (cf. the *variatio* ἦλθε ≈ ἔρχεται ≈ ἤλυθε ≈ ἔρχεται, ll. 16–19, 26; the repetition of ταχέως, ll. 18 and 21).

[51] Gerber 1970. On the elaborate style of the last part of the Eunomia passage see also the remarks by Degani in Degani and Burzacchini (1977) 111.

[52] The acts of sedition (ἔργα διχοστασίης, l. 37) recall the civil strife (στάσιν) of line

the hymnal lists of the qualities of divinities (as it is commonly said), this kind of hymn properly brings the image and function of Eunomia before the Athenians' imagination with all the relevance Solon wanted, thanks to the effects of rhetorical accumulation.

It is clear that not everybody would have been convinced by the Solonian project. It is equally clear that Solon is also organising a fine strategy of anticipating the objections of his critics by introducing some of them in his discourse, according to a conventional oratorical practice, what Anaximenes advises widely,[53] and which is already found in Homer.[54] In the ninth book of the *Iliad* (ll. 300–303), Odysseus after having begged at length Achilles to return to the battlefield before disaster befalls the Greeks, at the end of his speech appropriates the obvious objections of Achilles in order to counter them precisely by naming them first: 'but if the son of Atreus is too much hated in your heart, himself and his gifts, at least take pity on all the other Achaeans', etc.[55]

Likewise, in poem 13, Solon knows well that many of his contemporaries did not believe in the divine *tisis* of Zeus evoked in the first part of the poem as the main weapon against the unjust accumulation of wealth. He therefore anticipates the possible objection that Zeus' *tisis*

19; grievous strife (ἀργαλέης ἔριδος, l. 38) picks up on 'war' (πόλεμον, l. 19); or more generally, the present misery of the *polis* of Athens (ἀδίκοις, l. 33) would recall the unjust mind (ἄδικος νόος, l. 7) of the leaders; excess (κόρος) and insolence (ὕβρις) in line 34 recall the ὕβριος and κόρον of the leaders (ll. 8–9); crooked judgements (δίκας σκολιάς, l. 36) recall the august foundations of Dikê (Δίκης θέμεθλα, l. 14), which are not actually respected in Athens; deeds of pride (ὑπερήφανα ἔργα, l. 36) and unjust deeds (τοῖς ἀδίκοις, l. 33) remind us of those who get rich by unrightful actions (ἀδίκοις ἔργμασι, l. 11). All things fitting and rational (ἄρτια καὶ πινυτά, l. 39) contrast with acts of foolishness (ἀφραδίῃσιν) in line 5.

[53] Cf. *Rhet. Alex.* 1432b12: anticipation is the device by which we shall remove ill-feeling that we encounter by anticipating the criticisms of our audience and the arguments of those who are going to speak on the other side (προκατάληψις μὲν οὖν ἐστὶ δι' ἧς τά τε τῶν ἀκουόντων ἐπιτιμήματα καὶ τοὺς τῶν ἀντιλέγειν μελλόντων λόγους προκαταλαμβάνοντες ὑπεξαιρήσομεν τὰς ἐπιφερομένας δυσχερίας; 1439b3 anticipation is the method by which you anticipate the objections that can be advanced against your arguments and sweep them aside (αὕτη δ' ἐστὶ δι' ἧς τὰς ἐνδεχομένας ἀντιλογίας ῥηθῆναι τοῖς ὑπὸ σοῦ εἰρημένοις προκαταλαμβάνων διασύρεις); see also 1433a30 on how to employ anticipation on the points that are likely to be made by our opponents.

[54] Cf. Friedrich and Redfield (1978) 257. See also the example from Euripides, *Philoctetes* given by Anaximenes, *Rhet.Alex.* 1433b12 on how to employ anticipation in regard to one's opponents.

[55] Hom. *Il.* 9.300–303: εἰ δέ τοι Ἀτρείδης μὲν ἀπήχθετο κηρόθι μᾶλλον, / αὐτὸς καὶ τοῦ δῶρα, σὺ δ' ἄλλους περ Παναχαιούς.

is slow or does not come at all: he warns that although humans may believe that they have escaped and may delight in such false hopes (ll. 25–36) that τίσις appears in the end:

τοιαύτη Ζηνὸς πέλεται τίσις· οὐδ' ἐφ' ἑκάστῳ
 ὥσπερ θνητὸς ἀνὴρ γίγνεται ὀξύχολος,
αἰεὶ δ' οὔ ἑ λέληθε διαμπερές, ὅστις ἀλιτρὸν
 θυμὸν ἔχει, πάντως δ' ἐς τέλος ἐξεφάνη·
ἀλλ' ὁ μὲν αὐτίκ' ἔτεισεν, ὁ δ' ὕστερον· οἳ δὲ φύγωσιν
 αὐτοί, μηδὲ θεῶν μοῖρ' ἐπιοῦσα κίχῃ,
ἤλυθε πάντως αὖτις· ἀναίτιοι ἔργα τίνουσιν
 ἢ παῖδες τούτων ἢ γένος ἐξοπίσω.
θνητοὶ δ' ὧδε νοέομεν ὁμῶς ἀγαθός τε κακός τε,
 εὖ ῥεῖν ἣν αὐτὸς δόξαν ἕκαστος ἔχει,
πρίν τι παθεῖν· τότε δ' αὖτις ὀδύρεται· ἄχρι δὲ τούτου
 χάσκοντες κούφαις ἐλπίσι τερπόμεθα.

Such is the punishment of Zeus. He does not flare
 at every insult, like a mortal man,
but all the time he is aware whose heart is marked
 with sin, and in the end it shows for sure.
One pays at once, another later; and if some
 escape the gods' pursuing fate themselves,
it comes sometime for sure: the innocent will pay -
 their children, or their later family.
Whether of high or low degree, we mortals think
 our various vanities are running well
until some blow falls; then we moan. But up to then
 we take fond pleasure in our empty hopes.

Again, later in the poem, another perspective is advanced which seems to contradict and even to exclude every kind of theodicy, in sharp contrast with the initial (and usual) statements of Solon about divine justice. With a change of prospective that seemed too incongruous, and led many scholars to doubt the poem's integrity altogether or the authenticity of some parts of it,[56] Solon seems to present human life as a relentless pursuit of riches, where, however, the correct correspondence between intentions, means and results does not exist (ll. 63–76):

Μοῖρα δέ τοι θνητοῖσι κακὸν φέρει ἠδὲ καὶ ἐσθλόν,
 δῶρα δ' ἄφυκτα θεῶν γίγνεται ἀθανάτων.
πᾶσι δέ τοι κίνδυνος ἐπ' ἔργμασιν, οὐδέ τις οἶδεν
 πῇ μέλλει σχήσειν χρήματος ἀρχομένου·

[56] On the structure of fr. 13 see Noussia (2001) with further bibliography.

ἀλλ' ὁ μὲν εὖ ἔρδειν πειρώμενος οὐ προνοήσας
  ἐς μεγάλην ἄτην καὶ χαλεπὴν ἔπεσεν,
τῷ δὲ κακῶς ἔρδοντι θεὸς περὶ πάντα δίδωσιν
  συντυχίην ἀγαθήν, ἔκλυσιν ἀφροσύνης.
πλούτου δ' οὐδὲν τέρμα πεφασμένον ἀνδράσι κεῖται·
  οἳ γὰρ νῦν ἡμέων πλεῖστον ἔχουσι βίον,
διπλάσιον σπεύδουσι· τίς ἂν κορέσειεν ἅπαντας;
  κέρδεά τοι θνητοῖς ὤπασαν ἀθάνατοι,
ἄτη δ' ἐξ αὐτῶν ἀναφαίνεται, ἣν ὁπότε Ζεύς
  πέμψῃ τεισομένην, ἄλλοτε ἄλλος ἔχει.

Fate brings to mortal men both good and ill: the gifts
  the immortals give are inescapable.
There's risk in every undertaking. No one knows,
  when something starts, how it will finish up.
One man makes noble efforts, but despite them all
  falls into unforeseen calamity;
another handles ill, yet God gives him complete
  success, freed from his folly's consequence.
But as to wealth, no limit's laid down clear for men,
  since those among us who possess the most
strive to earn double. Who could satisfy them all?
  Remember, profit's in the immortals' gift,
but loss's source is in men's selves: when sent by Zeus
  to punish them, it comes to each in turn.

Every human action entails the element of risk, and of Moira.[57] No longer is *atê* introduced as the blinding that comes upon whoever is affected by hybris in contrast to the divine order (as it was described in ll. 11–17); instead here it is presented above all as the punishment affecting men who simply surpass the limit in gaining the κέρδεα which the immortals grant (ll. 74): at least until the reappearance of Zeus in l. 75, which brings *atê* to a predominantly moralising dimension (cp. τεισομένην 'to punish', l. 76), the *atê* may somehow seem close to a profane principle of equilibrium, inherent in human society, and only in the final distich it becomes reintegrated in the nature of the divine agent that had been firmly affirmed in the first part of the poem.

In fact Solon seems to devote the second part of fr. 13 to those who would raise the objection of the absence or the scanty evidence for a divine regulatory principle. Solon would thus criticise (or unpack for them a rational way of understanding the divine explanation) those

[57] Note how the parallelism of the Μοῖρα- distich and of the κίνδυνος- distich is outlined by the same introductory τοι, ll. 63 and 65.

who do not believe in it, and would bring the nihilistic idea of the uncertainty, chance and the danger of the economic matters and of the individual success into a precise regulating system. The result is the confirmation of belief in the existence of a rule: the instability of the material possesses and of the human successes is thus explained with a kind of pre-ordinate plan of perennial redistribution of riches, and in particular of excessive riches. In that way, the 'materialists' as well may have absorbed his message and accepted it without question.

Conclusions

In this paper I raised questions about the extent to which rhetoric needs to be formalized in order to deserve its name, as well as about Solon's place in the history of argumentation. The examination of Solon's elegies as pieces of potentially rhetorical literature has shown that the concept of "pre-rhetorical rhetoric" is plausible and persuasive. By applying (e.g.) the conceptual framework of Aristotle's *Rhetoric* to Solon, we may be using a vocabulary that the poet would not recognize, but this does not invalidate the identification of the phenomena; in truth all that formal fourth-century rhetoric apparently does is to systematize.

Aristotle advised in the *Rhetoric* (3.1404b) that one should make the language unfamiliar, for people are admirers of what is far off, and marvellous and sweet. Many stylistic devices that defamiliarize language are present in Solon; at times the structure of poems is organized for the purpose of anticipating the arguments of Solon's opponents while justifying his position. Solon also appropriates and effectively reconfigures traditional beliefs and conventions. All these elements explain how he managed to make the presentation of his thought far from straight or plain or familiarly colloquial, but on the contrary to connect it to the thoughtfully "artificial" sweetness of the rhetorical persuasion to be later theorized; in other words how he advanced persuasively his politics.[58]

[58] See also the contributions by Irwin and Blaise to this volume.

Bibliography

Adkins, A.W.H. 1985. *Poetic Craft in the Early Elegists*. Chicago.

Anderson, R. Dean. 2000. *Glossary of Greek Rhetorical Terms*. Leuven.

Anhalt, E. Katz. 1993. *Solon the Singer: Politics and Poetics*. Lanham, MD.

Bowra, C.M. 1938. *Early Greek Elegists*. Cambridge.

Buxton, R. 1982. *Persuasion in Greek Tragedy. A Study of Peitho*. Cambridge.

Cole, Th. 1991. *The Origins of Rhetoric in Ancient Greece*. Baltimore.

Craik, E. 1988. *Euripides, Phoenician Women*. Warminster.

Cramer, O.C. 1976. Speech and Silence in the *Iliad*. *CJ* 71: 300–304.

David, E. 1985. Solon's Electoral Propaganda. *RSA* 15: 7–22.

Degani, E. and G. Burzacchini, eds. 1977. *Lirici Greci. Antologia*. Florence.

Edmunds, L. 1987. *Cleon,* Knights, *and Aristophanes' Politics*. Lanham, MD.

Enos, R.L. 1993. *Greek Rhetoric before Aristotle*. Prospect Heights, Ill.

Friedrich, P. & Redfield, J. 1978. Speech as a Personality Symbol: The Case of Achilles. *Language* 54: 263–288.

Gentili, B. 1975. La giustizia del mare: Solone, fr. 11D., 12 West. Semiotica del concetto di *dikê* in greco arcaico. *QUCC* 20: 159–162.

Gerber, D.E. 1970. *Euterpe*. Amsterdam.

Gerber, D.E. 1999. *Greek Elegiac Poetry*, Cambridge, Mass.

Gerber, D.E. 1999. *Greek Iambic Poetry*, Cambridge, Mass.

Gill, C. 1984. The *ethos/pathos* distinction in rhetorical and literary criticism. *CQ* 34: 149–166.

Higbie, C. 1997. The Bones of a Hero, the Ashes of a Politician: Athens, Salamis, and the Usable Past. *CA* 16: 278–307.

Jacoby, F. 1918. Studien zu den älteren griechischen Elegikern. I. Zu Tyrtaios II. Zu Mimnermos. *Hermes* 53: 1–44 and 262–307.

Jaeger, W. 1926. Solons Eunomie. *SPABerlin*: 69–85. Engl.tr. by A.M. Fiske in Jaeger, W. 1966. *Five Essays*. Montreal: 75–99.

Kahn, Ch.H. 1960. *Anaximander and the Origins of Greek Cosmology*. New York.

Karp, A.J. 1977. Homeric Origins of Ancient Rhetoric. *Arethusa* 10: 237–258.

Kennedy, G. 1963. *The art of persuasion in Greece*. London.

Kennedy, G. 1991. *Aristotle on Rhetoric. A Theory of Civic Discourse*. New York-Oxford.

Lardinois, A.P.M.H. 2005. The polysemy of gnomic expressions and Ajax' deception speech. In *Sophocles and the Greek Language: Aspects of Diction, Syntax, and Pragmatics*, eds. I.J.F. de Jong and A. Rijksbaron, 213–223. Leiden.

Lloyd-Jones, H. 1994. *Sophocles*, Cambridge, Mass.

Magurano, M. 1992. I procedimenti dell'argomentazione nel fr. 30 Gent.-Pr. di Solone. *Rudiae* 4: 191–212.

Magurano, M. 1999. I procedimenti dell'argomentazione nei 'tetrametri a Foco' di Solone. *Rudiae* 11: 37–59.

Manzo, A. 1987. Su alcune implicazioni della ἀπάτη nella retorica antica. In *Studi di retorica oggi in Italia*, 55–68. Bologna.

Mastronarde, D.J. 1994. *Euripides Phoenissae*. Cambridge.

Mazzoldi, S. 1999. *Sofocle Aiace*. Venezia.

Masaracchia, A. 1958. *Solone*. Firenze.
Michelini, A. 1978. Ὕβρις and Plants. *HSPh* 82: 35–44.
Minchin, E. 2001. Similies in Homer: Image, Mind's Eye and Memory. In *Speaking Volumes. Orality and Literacy in the Greek and Roman World*, ed. J. Watson, 25–52. Leiden.
Müller, R. 1975. Elemente dialektischen Denkens in der frühgriechischen Lyrik. *ZAnt* 25: 128–136.
Noussia, M. 2001. *Solone. Frammenti dell'opera poetica*. Milan.
Powell, J.U. 1911. *The Phoenissae of Euripides*. London.
Rackham, H. 1937. *Aristotle. Rhetorica ad Alexandrum*. Cambridge Mass.
Thomas, R. 1989. *Oral Tradition and Written Record in Classical Athens*. Cambridge.
Usher, S. 1985. Dionysius of Halicarnassus, *Critical Essays I–II*. Cambridge Mass.
Vox, O. 1984. *Solone autoritratto*. Padova.
Walker, J. 2000. *Rhetoric and Poetics in Antiquity*. Oxford.
West M.L. 1984. *Greek Lyric Poetry*. Oxford.
Will, F. 1958. Solon's Consciousness of Himself. *TAPhA* 89: 301–311.
Worman, N. 2002. *The Cast of Character: style in Greek Literature*. Austin, TX.

CHAPTER SIX

SOLON IN NO MAN'S LAND

Richard P. Martin

Sir Francis Younghusband noted, in his 1920 essay *Culture as the Bond of Empire*, with apparent surprise, that even the most primitive tribesmen then subject to British rule 'have some degree of culture.' This attainment on the part of the colonials might be used to the mother country's advantage, he suggested, if British civil servants would only show more appreciation for truth and beauty. As proof of native culture, Younghusband observed: 'Primitive people … go wild with joy at music and dancing. They have a marvellous sense of rhythm, and the drum especially has an extraordinary effect upon them … .Primitive people, like children, also love being told stories, and all the better if they are told in verse. They are natural poets. Their language is full of imagery. And I was reading the other day of a Frenchman with a poetic turn who found he produced a much greater effect among the wild people of Cochin-China if he spoke in poetry than he did if he spoke in prose.'[1]

It is hardly the place of any American in the early 21st century to mock British imperial aspirations of the early 20th. But it *is* worth pointing out that the evolutionary assumptions undergirding imperialist rhetoric, both then and now, have tended to distort more than just foreign policy. They also have warped philology. The study of Solon's poetry has not been immune from the sort of blithe condescension one sees in Younghusband's formula for winning hearts and minds. Children and the wild people of places like Vietnam—or for that matter sixth-century Athens—are moved by verse. It goes without saying, of course, that grown men prefer prose, especially if statesmanship is the subject.

Even as sensitive a modern scholar as Simon Goldhill, in his recent book *The Invention of Prose*, seems embarrassed by Solon's political use of verse. After stressing quite rightly that 'the performance of poetry was absolutely basic to the social fabric of archaic culture,' Goldhill

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[1] Younghusband (1921) 143.

adduces Solon's famous recital of the *Salamis* poem. But rather than explore the relation between poetic form and political content, he quickly concludes 'above all—Solon's poems remain prime sources for the politics of the period.'[2] It seems we can easily imagine a social role for choral odes and sympotic verse. But Solon's public poetry comes off looking like a primitive relic or harmless hobby, at best useful nowadays for documentary purposes.[3]

This paper will argue, on the contrary, that Solon's poems are more than "prime sources" for politics. They *are* politics, and politics as performed by the most adept practitioners even today, whether in the first world or the third. I shall argue, on the macro-level, that ethnographic evidence makes the notion of a poet-politician entirely reasonable, and should lead us to comprehend further the social role of the aesthetic in archaic Athens. On the micro-level, I shall show how the manipulation of metaphor, within several poems attributed to Solon, creates a political persona that starkly and convincingly breaks with the past. In sum, I want to show that Solon the politician is in essence and action Solon the poet.

Ethnography has its own twisted history involving empires, and one must not use it imperiously in Classics to go around simply asserting things.[4] At best, evidence from small-scale traditional cultures can be used heuristically, to offer alternatives and help us think outside the (apparent) boundaries of the texts and artifacts we have from the ancient world. It can also on occasion suggest new linkages within old material. The subfield known as the ethnography of speaking is a particularly rich area for comparatists.[5] In the cross-hatched area where anthropology, linguistics and folklore overlap, it is possible to study culture revealing itself in speech strategies. Some of this material offers us a way into the exploration of Solon's poetic medium.

One culture in particular offers an interesting angle for viewing politics and poetics. Joel Sherzer, an ethnographer of speaking, has recorded talk among the Kuna people of San Blas, Panama over the past twenty-five years. He describes the involvement of this small-scale

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[2] Goldhill (2002) 2–3.

[3] Plutarch's account (*Sol.* 3.4–5) reports a sequence: the first poems were not serious but his later compositions were interwoven with philosophical *gnômai* and political matters.

[4] See Stocking (1991) for a sampling of case studies.

[5] Bauman and Sherzer (1989) is the best introduction. I have sought to apply insights from this field in Martin (1989).

society in three central areas of discourse, each connected with a special variety of Kuna language and conventions for performance: curing and magic; puberty rites; and politics.[6] The latter-most language variety is practiced by local chiefs who meet with their entire community of about 1000 persons every other evening in so-called "gathering houses." The Kuna "chief" is a specialist in tribal tradition who 'by means of verbal artistry and rhetoric, convinces, advises, and offers guidance.' Ideally, notes Sherzer, the '"chief" is the best speaker in the community.'[7] In the evening sessions, the chiefs resolve disputes, reprimand transgressors, commend and demand proper behavior, and review the day's activities, with an eye to future plans.[8] Most strikingly, at least to modern eyes, all of this is done through the medium of chanting long, spontaneous and artful compositions that are marked by repetition, parallelism, special diction and conventional intonation patterns.[9] In other words, from the point of view of natural Kuna speech, the political advice is poetic. Moreover, it is delivered in the form of a dramatized exchange. That is to say, one chief, sitting on a hammock, chants aloud for several hours to another chief, who is his ostensible addressee. The second chief answers with the affirmation *teki* (indeed) after each verse uttered by the first.[10] Yet this apparent conversation takes place in the full view and hearing of the entire village audience. It is a stylized private act meant for public consumption.[11]

This is not the place for exploring all the further details. An evolutionist ethnographer in the style of Sir James George Frazer would at this point immediately deduce that similar small-scale meetings at which a chief chanted poetically actually went on in the hazy centuries before Solon's day in Athens. Frazerian ethnography, with its fascination with origins, might adduce the evidence of language. Does not *agora* literally mean gathering place and isn't it too a social, religious, and political space, exactly like the *onmakket neka* of the Panamanian Kuna?[12] Even if we forego such a Romantic positivism, there are indeed

[6] Sherzer (1983) 13.
[7] Idem 57.
[8] Idem 6.
[9] Idem 47.
[10] Idem 49–50.
[11] Compare West (1993) viii on ancient Greek lyric poetry: 'It is all social poetry ...Even where a poem is nominally addressed to a single individual...we can assume that it was in fact intended to be heard by a group.'
[12] Further on the tropes of Romantic anthropology: Stocking (1989).

intriguing aspects that could be used to talk more about Solon as one of the Seven Sages or in his Herodotean advisor role.[13] For example, every three months there occurs a general congress for chanting by chiefs from all over San Blas; even larger competitive inter-island chant events occur, and chiefs in particular are supposed to travel all over in order to show off their fine abilities at chanting.[14] Instead, I would like to focus on the micro-level before returning at the end to the larger sociological comparanda. For the chiefly chants have some important characteristics that make one rethink Solon's poetics.

For one thing, there is what one could call the "social cataloguing" that one encounters in chants. As part of a larger compositional strategy that connects the Kuna environment to myths and divinities, in the chants chiefs often enumerate plants, animals and the vocational roles in Kuna society.[15] Sherzer in a chapter of his 1990 book transcribes one such performance, given on the occasion of an inauguration of a new chief, one Takkin Hakkin, on April 24, 1971 in the village of Sasartii.[16] The chant begins with reference to the audience according to their status. After mentioning the high-status curing specialists—'The knowers of the way of the balsa wood' along with experts in hot pepper and cacao, who are akin to hunters—Muristo, the chief who is chanting, goes on to name chiefs' spokesmen. These are exegetes who interpret publicly the more obscure passages of the chanter. After these come fishermen, and women, named first in their ritual roles related to puberty rites, and then generally as cutters and sewers of elaborate textile designs (*mola*). 'This indeed is the village indeed of Mulatuppu' sings the chief.[17]

In Solon's so-called Hymn to the Muses (fr. 13), there is a similar social catalogue, listing in order the sea-faring merchant, farmer, craftsman, poet, diviner, and doctor (lines 43–46). Readers have commonly taken this to be a rather overblown archaic *exemplum* adding little to the basic point that we are all living in uncertainty. One recent commentator omits notice of the passage altogether.[18] More penetrating is Maria Noussia's analysis, which discovers an artful structure in these

[13] On which roles see Martin (1993) and Shapiro (1996).

[14] Sherzer (1983) 7, 64, 82. On the travelling of ancient wisdom figures, see Montiglio (2000); for Homer in this mode, Graziosi (2002) 35–37.

[15] Sherzer (1983) 78.

[16] Sherzer (1990) 64–117.

[17] Idem 86–87.

[18] Almeida (2003).

lines and shows how they build to a climax by constructing two hierarchical arrangements, from those lesser to those more socially important, and from lesser to greater proteges of the divine.[19] It is in this hierarchical structuring that Solon's poetic catalogue resembles the rhetorical strategy of the Kuna chant.

Perhaps the most artful device in Solon fr. 13 lies beneath the surface. In a number of his poems, Solon resorts to one or another type of distancing technique. One variety is *prosopopoiia*, used when he "quotes" what people are supposedly saying against him around Athens (e.g. fr. 33). He can also vary this strategy within the space of one poem, as Anette Loeffler has shown in her structural interpretation of the speaker's shifting viewpoint in the Muse hymn.[20] By drawing attention to the distinction between the actual poetic performer and the temporary poetic persona in such ways, the poet manages to reinforce—even negatively—aspects of his own poetic stance. In fr. 13, those listed by their occupations could easily have comprised an audience for the poem, with the status of each affirmed and at the same time restricted, by the poet's ordering. In effect, this passage in the poem is parabatic, an outright acknowledgement of its hearers. Moreover, the poet-politician's very act of naming, with this specific sequencing of roles, shapes a particular idea of the configuration of a civic community. The equivalent in the Kuna chant is the chief's assertion, at the end of his list:

> We are the Mulatuppu people seated in our benches.
> Another person will not govern us.
> Another person will not care for Mulatuppu.
> We ourselves indeed must care for our village.[21]

If Solon's lines are meant as an indirect reference to his addressee audience, we might well ask who gets left *out* of the picture. Most strikingly, the omitted class is warriors. In practical terms, this is understandable—there *are* no professional soldiers in Athens, whereas the list is about those who earn a living at a job. Yet on another level the omission is emblematic. *Stasis*, which to Solon is as dangerous as *polemos*,

[19] Noussia (2001) 208–209. See also Loeffler (1993) 28 n. 11 on the construction of this list.

[20] Loeffler (1993).

[21] Sherzer (1990) 86–87. The final words might remind us of Solon's incorporation of his audience at other passages, e.g. fr. 4.1–2 ('our *polis*…will never perish'); the technique of blending his first-person role as sole leader with that of spokesman for the community is also employed throughout the corpus.

never rears its head in the well-composed city in which *Eunomiê* rules. Only one warrior deserves mention (and then primarily in the *Eunomiê* poem, fr. 4): Athena, the patroness and *episkopos* of Athens.

Thus far the ethnopoetic data have led us to speculate about possible performance contexts for Solonian poetry.[22] Whether in the symposium or in the *agora*, in his own time or much later, Solon's verses quietly embed their own possible audiences, a technique one can see much more explicitly among the Kuna. A larger, even richer set of questions arises from a specific aspect of the texts that Sherzer records—namely, the employment of metaphor. Among the Kuna of San Blas, where chants are the ultimate means of creating social cohesion and control, extended metaphor is the primary device structuring the song. Indeed, the more eloquent a chief is, the more obscure are his metaphors (a good reason for the existence of the "chief's interpreter"). In the inaugural chant, a singer-chief Muristo counsels the professionals of the village to perform their roles correctly. He then comes to the main object for praise and advice, his newly-elected brother. But the style remains gnomic and metaphorical. Telling the collected villagers about the proper role for a chief—in impersonal terms—is also a way, indirectly, of counseling his brother. Muristo does this by blending an elaborate image of the chief as central house-pole with another metaphor comparing chieftains to the forest trees which the village medicine men must discover:[23]

> Indeed one pole indeed.
> We are about to plant see.
> If we do not plant it well.
> If we plant one, indeed that has hollow knot holes it is said.
> Within one year indeed you will hear the *usis* bug people chanting
> within the knot hole don't you hear.
> You will hear the spider chanting there…
> For this reason the uncles say see.
> 'A good pole indeed must be planted smooth without knot holes without
> splits.
> Plant it.

[22] I use the phrase in order to acknowledge at this point that what comes down to us as Solon's verse may not be, in a modern sense, his unchanged personal compositions—a key point raised by Lardinois in this volume; further below. On possible audience contexts see Bowie (1986). The public mode I envisage would unite the categories he finds most common: sympotic and longer performance elegy.

[23] Sherzer (1990) 102–103. 'See,' 'indeed,' and 'I say' are conventional interjections in Kuna chant language.

For this reason among the mass curing specialists.
Among the medicine men, well cleaned.
Extremely carefully inspected.'
That is how the uncles indeed, planted poles see I say.

In this quite involved metaphor, the primary analogy—that the chief is like a house-pole—is reinforced through an elaboration of all that can go wrong with house-poles (basically, termite infestation). The *usis* bug people are figured as carrying on their own miniature village meetings inside the rotting pole, complete with chanting (the signature social event for the sort of village gathering where a pole is planted). The bug chanting is hierarchical (in the full text version) with *usis* bugs, spiders, cockroaches and finally Grandfather Scorpion named as participants. In imagination, then, the actual singer-chief projects his audience into a place very much like the one in which they are gathered, only scaled down to insect size. It is an entertaining, instructive, and successful performance of political poetics.

The role of metaphor as a means of visualization and persuasion within small-scale societies cannot be overstated. The work of James Fernandez, among other cultural anthropologists, attests not only to the ways in which metaphor makes for a deeply shared natural social discourse, but also to the abilities of local performers—ordinary people, not just poets—to manipulate and use metaphor for their own diverse purposes. Or, to put it another way, in such highly conscious speech-focused communities, every ordinary person is also to some extent a poetic performer.[24] Where does this second aspect of the ethnographic *comparanda* take us in the interpretation of poetry attributed to Solon? Like any admired poet, Solon, in the verses associated with his name, has the gift of *phanopoeia* (Ezra Pound's term), the knack for casting striking images over the mind. The difference, one could argue, between a Solon and a Homer (or Pound) is that the images in Solon's case are functional: they are, in effect, condensed arguments. We can think of them as social contracts, specifying the role of each party to a transaction, the instantiation of a verbal *symbolon*.[25] Thus, in a powerful image Solon famously describes himself as a peace-maker and protector who

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[24] See especially Fernandez (1986) and the essays in Fernandez (1991); an important complement to this work from the field of linguistics is Lakoff and Turner (1989). My own recent fieldwork in villages of western Crete, focussed on social and poetic interactions, underlies this formulation about non-professional performances .

[25] The history of this verbal (and later literary) notion begins in social relations of a contractual nature: see now Struck (2004).

holds a *sakos*-shield over both sides of the community.[26] The metaphor is paradoxical, if not a downright *adunaton*: shields are for the defense of one side against another in a battle. Solon's inventive *katachrêsis* retains the association of protection, but eliminates the notion of battle. It is a striking self-representation of his neutral, transcendent role.[27]

At the end of a longer iambic fragment (fr. 36.27), Solon constructs another metaphor for his activity in politics—he is a wolf harried by dogs.[28] This is the negative complement of the shield-carrying protector: in his eagerness to please both sides and keep them at peace, Solon is nearly savaged by both. The message conveyed by this grim image (that this is not the way things should be) recalls the technique of moralizing argument in the Kuna gathering-house chants, accomplished by way of positive and negative images juxtaposed. And it is the same technique—fantasizing and visualizing for an audience the worst case—that further marks verses cited by Aristotle as having been spoken by Solon in reproach against his critics (fr. 37.1–5):

> δήμωι μὲν εἰ χρὴ διαφάδην ὀνειδίσαι,
> ἃ νῦν ἔχουσιν οὔποτ' ὀφθαλμοῖσιν ἂν
> εὕδοντες εἶδον …
> ὅσοι δὲ μείζους καὶ βίην ἀμείνονες,
> αἰνοῖεν ἄν με καὶ φίλον ποιοίατο.

> If I must rebuke the masses openly,
> their eyes would never have seen in their dreams
> what they now have…
> And those who are greater and stronger
> would praise me and treat me as their friend.

The setting is similar to that of fr. 36.[29] Neither side in the *polis* has shown the proper gratitude. As in fr. 36, the introduction to the argument-clinching metaphor is made by means of a contrafactual: *if* someone other than Solon had been in charge, or if he had been of a different character, he would not have stopped 'stirring up the city until he had skimmed it of milkfat.'[30] As it is, says Solon, 'as in a no-man's

[26] Fr. 5.5. For a complete text with translation of this fragment, see Irwin's contribution to this volume, p. 44.

[27] Anhalt (1993) 124–125 is one of the few to appreciate the complexity of the image. See further Noussia (2001) 270.

[28] On the significant resonances of this image, see Vox (1984) 127–140.

[29] For a complete text with translation of frs. 36 and 37, see the Appendix to this volume.

[30] πρὶν ἀνταράξας πῖαρ ἐξεῖλεν γάλα, fr. 37.8. On the difficulties with this phrase, see

land between these sides I established myself as a *horos*'.[31] As Christoph Mülke, the most recent commentator, notes, any attempt to explicate the striking metaphor of the stone in no-man's land must first take account of the cognitive dissonance in this image, view it as intentional, and begin from that acknowledgement.[32] It is *not* a natural or simple image. Yet Mülke, in my opinion, does not succeed in capturing all the strangeness and power of the metaphor. Following Ober, he wants the *horos* to mean that Solon has once and for all firmly demarcated a previously vague and unmarked space between two warring sides in the *polis*. He also suggests that the *horos* is first a boundary-marker, but plays secondarily on the other *horoi* about which we hear so much in relation to the *seisachtheia*, the alleged mortgage-markers.[33] Mülke properly gives credit to Loraux for establishing one key point about *metaichmion*, the word for 'no-man's land' (literally, 'the land between the spears'). Loraux showed that this is not equivalent to *to meson*, that shared civic space in which *polis* business is conducted on equal terms, the model and perhaps forerunner of for democratic processes.[34] Nor does it have anything to do with Solon as himself *mesos*—'of middling status'—as Aristotle would have it.[35] Instead, as Loraux abundantly illustrates, the uses of the term *metaichmion* in fifth-century Athenian drama make it clear that this is a highly dangerous temporary location where armies on the verge of clashing have come to a standstill, with some space between.

I agree with Loraux but would argue that her conclusions are limited slightly by her method. A classic structuralist analysis from the heyday of the Paris school, it runs the risk of remaining too static in its reading because two factors are left out of account: the diachronic perspective, which could offer more precise descriptions of earlier no-man's-lands;

Vox (1984) 119–121, Gerber (1999) 161 nr.1, and Mülke (2002) 404–406. The interpretation given here is that favored by Vox.

[31] Lines 1–5 translated Gerber (1999) 161; lines 7–10 Gerber's version modified by me.

[32] Mülke (2002) 408.

[33] Harris (1997), however, argues convincingly that the *horoi* of fr. 36.6 were not security-markers for mortgages, and that the entire image is metonymic for the greater liberation of Attica from *stasis* of which Solon is speaking. Blaise (1995) 31–32 sees the removal as resolving conflict.

[34] Loraux (1984) 200–201 with earlier bibliography.

[35] Arist. *Ath. Pol.* 5.3; on this problematic question of Solon's "middle" status, see Ferrara (1964) 142–146; on his role as the voice of a broader "middling ideology," see Morris (2000) 153–191.

and the factor of performance, which can lead to an appreciation of the dynamism of Solonic poetry.[36] To attempt to fill out the picture, I shall turn first to the fundamental article of Ober (mentioned above).[37] Then I shall combine his semiotic approach with a diachronic look at Greek epic poetry and further thoughts on performance, aided by the data from the Kuna of Panama.

The question with which Ober begins is functional: what do *horoi* accomplish? To answer this, he notes first that the *horos* functions as a speech act, informing its reader that a border has been established and commanding the reader to act accordingly. To function in this way, Ober observes, certain basic premises about the *horos* must be granted. 'Both the veracity and felicity of any given *horos'* claim to mark a boundary is a direct function of its specific location'.[38] As Ober goes on to say: 'If someone were to pull up the agora *horos* and carry it somewhere else, the statement it proclaims would no longer be accurate, since it would no longer mark a boundary of the agora'. Both a constative and performative speech-act, the *horos* inscription acts like a permanent declaration in the landscape, but only is activated when placed properly in that landscape.[39]

With Ober's excellent formulation in mind, we can return to Solon fr. 37. What does the speaker of this poem mean by calling himself the "boundary-stone" or *horos*? The declaration is the source of several paradoxes. First of all, how can an ancient Greek male, ideally capable of roaming aggressively across space, his own and others, become a permanent, immovable mark on the landscape? Second, this very speaker—apparently the same man—is the person known to us from fr. 36 as the liberator who removed boundary-stones from their places.[40]

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[36] Gordon (1981) remains a good guide to the various projects of the school, many exponents of which are now associated with the *Centre Louis Gernet*. In terms of recent intellectual history, the complementary diachronic and performance approaches can be identified as related to the "Harvard school," comprising Milman Parry, A.B. Lord, Roman Jakobson, Gregory Nagy, and Calvert Watkins, with its own Parisian influences from the work of Meillet, Dumézil and Benveniste.

[37] Ober (1995). See also Ober in this volume.

[38] Idem 91.

[39] Idem 92.

[40] Harris (1997) 104–105 points out that this removal should be taken as metaphorical as to do so in reality would be sacrilegious, but see Ober in this volume for another possible scenario involving a different conception of the *horoi*. The point, for the purposes of interpreting the poem, is that Solon represents himself as the powerful and just manipulator of such markers, real or ideal.

In that poem, the act of removing the stones is further highlighted by an inversion of the regular complementary relationship of moving witness and unmoved marker:

> συμμαρτυροίη ταῦτ' ἂν ἐν δίκηι Χρόνου
> μήτηρ μεγίστη δαιμόνων Ὀλυμπίων
> ἄριστα, Γῆ μέλαινα, τῆς ἐγώ ποτε
> ὅρους ἀνεῖλον πολλαχῆι πεπηγότας,
> πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη.
>
> I call as witness in the court of Time
> the mighty mother of the Olympian gods,
> dark Earth, from whom I lifted boundary-stones
> that did beset her—slave before, now free.[41]

Here the earth, an unmoving thing, is said to be a potential witness to the action of Solon, who radically shifted social relations in Athens by lifting up the previously immovable stones (ὅρους...πεπηγότας, line 6). If one is persuaded by the arguments of L'Homme-Wéry, Solon hereby made a religious and political move, rather than a socio-economic one, liberating the Black Plain of Eleusis from Megarian influence.[42] Whichever the case, both Solon's behavior, and the poem (fr. 36) commemorating it, are exceptional.

When we look harder at the metaphor in question, as it emerges in fr. 37, Solon's self-positioning and fixity between two warring camps is striking but in an arrestingly logical way. In the *metaichmion*—the land between spears—Solon has set himself up as another upright, grounded object, a *horos*. If land with *horoi* in it becomes something else, and can be thought of as land that has been made subject to a declarative speech-act, a demarcated social and civic space, we are encouraged to ask: what is the speech-act here? It cannot be that Solon as *horos* demarcates one territory from another, in the manner of the later familiar boundary stones from the Athenian *agora*. For, after all, the *metaichmion* is by definition *already* a marked-off area functioning internally precisely as an *un*demarcated place, the demilitarized zone, ensuring that neither side abuts the other. Why put a marker in the middle of no-man's land since the space set aside for no-man's land has the purpose itself of *being* the middle? The marker-stone should be the way to define whose land is whose; placed in the *metaichmion*, it cedes that role to other wider-spaced boundaries (the spears—real or

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41 Solon fr. 36.3–7. Translation: West (1993) 82.

42 L'Homme-Wéry (1996).

metaphorical) that mark the demilitarized zone. If the *horos* is left on its own, it cannot mark out such a space, as it can only delineate the razor-sharp boundary between uncomfortably close enemies. Even then—if we demand geometric rather than poetic logic—it takes two boundary *horoi*, at least, to make a single line. But Solon is, emphatically by his own account, the only source of direction in the *polis*.[43]

Once again, we should not try to iron out the cognitive dissonance at work here. The full force of this metaphorical self-representation can only emerge if we take Solon as a poetic performer, fully in control of his medium—not as the amateur versifier often imagined by literary critics, but the creative chieftain-poet, whose words effectively make things happen. If we read these few lines against the poetic background of epic verse, it turns out that Solon is evoking a powerful recurrent scenario.[44] The word *metaichmion* does not occur in epic; Solon fr. 37 marks its first appearance. But the phenomenon it describes, opposed armies that leave a tense open space between them, does occur several times.[45] What Loraux and others have not taken into account is what happens in that temporary no-man's land. One could describe epic events transpiring therein as a primal sort of theater. When Paris (*Il.* 3.16–20) steps into the space in front of the Trojan warriors and challenges the Achaeans, the latter reluctantly send Menelaus to a duel, with mixed results. In Book 7, the duel of Hector and Ajax occupies the same theatrical space (cf. lines 55–62), again with an inconclusive result. In other words, in the epic imagination, we can see that the *metaichmion* is a quite populous no-man's land, crowded about by eager combatants, but not necessarily (in Homeric epic) a locus of resolution. The two armies do not clash, in the scenes just mentioned. Instead, metonymic single combats take place, with the eyes of both armies riveted upon the results. Solon fr. 37 should be read in the terms of the poems he and his audience most probably knew, complete with such scenarios.[46] When he steps into the theatrical gap between poor

[43] On scholarly objections to the image, and attempts at emendation, see Vox (1984) 122–125.

[44] By calling this reading "diachronic", I do not mean to suggest that Solon's poetry is much younger than that attributed to Homer as it was performed in Athens. In fact, persistent ancient accounts credit Solon himself with modifying the rhapsodic performances of Homeric epic (Diog. Laert. 1.57; Strabo 9.1.10), in effect treating the older poetic tradition as contemporary and malleable. See further Graziosi (2002) 229–232.

[45] E.g. *Il.* 3.111–115.

[46] For further indications of Solon's intertextual relation with Homeric poetry, see

and wealthy, it is with the weight of a Menelaus or Ajax on his shoulders. But what does he do in this circumstance? Unlike the Homeric heroes—nothing. He turns to stone. His petrification is not out of fear. It is instead a magisterial gesture, more akin to Zeus' positioning, at Delphi, the stone fed to Cronos, shortly after his birth.[47] It is a dramatic choice meant explicitly to contrast with aristocratic tradition as we see it celebrated in epic.[48] Paradoxes multiply: the mobile warrior, ready to twist and dodge, chooses fixity; he opts for non-performance precisely in the place meant for agonistic display and partisan duelling; and he prefers a bounded peace over the aggressive reach of war (in contrast also to the wolf among dogs of fr. 36). To a Californian sensibility, it sounds quite Zen. Yet tilt this image in a different direction to the light and it appears holographically different: the immovable Solon is, in fact, already in circulation *qua* poet (written or oral, "real" or fiction) by the time his audience hears him.[49] This occurs through the help of such brilliant metaphor creation—an aid to the poems being remembered by those of his political persuasion and preserved until the time of Aristotle. As one of the Seven Sages, Solon is represented as a wise man conscious of his relation to a synchronic audience—other sages and even poets (e.g. Mimnermus, the supposed addressee of fr. 20).[50] Solon's poems, including fr. 37, become agonistic displays, no doubt in competition with other poems or even genres, as in the case of Solon's alleged antagonism to Thespis and tragedy.[51] The apparent one-time

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Anhalt (1993) and with Hesiodic, see Blaise (1995). The co-existence of the duels in Books 3 and 7 might indicate (Athenian?) audience interest in such scenarios, rather than clumsy expansion of a smaller kernel epic.

[47] Hesiod *Theog.* 498–500. This *sêma* thus marked an end to generational conflict.

[48] On aristocratic ideology in Homeric poetry, see Donlan (1980).

[49] This would be true for all but an initial live performance of his poems. It is risky and unnecessary to assume that our fragments come from verbatim transcripts of such performances. Repetition, expansion, re-orientation and re-performance surely affected them, as in the poetry of the Theognidean corpus, on which see the essays in Nagy and Figueira (1985). The convincing arguments of Lardinois (in this volume) concerning historicity complement the view I am trying to construct, as it is the image of Solon—in the poetry that is attributed to him—which ultimately counts. Even if "Solon" is largely constructed by a later tradition (with access to earlier oral or written versions), the appropriateness of the metaphors, and the origin of the technique in the social conditions I am sketching (political poetics) still are valid.

[50] On the wisdom performances of sages and their audience relations, see Martin (1993).

[51] Cf. Plut. *Sol.* 29.6–7. Solon's assertion, in his elegies (fr. 30a), that tragedy was invented by Arion, (by implication not Thespis) fits into the same anecdotal picture.

past action of positioning himself (κατέστην, line 10) turns into a permanent didactic demonstration.[52] Like another sort of marker, those used in contests to show winning casts of the discus or javelin, this setting up of a *horos* urges other aristocrats to surpass it.[53]

Here the pragmatic situation and poetic dynamic of the comparative material come once more to our aid. As we saw in the Kuna chants, elaborate and paradoxical metaphor-making urges an audience to take political action, whether it be setting up the right sort of chief or performing their social roles correctly. Solon's handling of the same technique urges his audience to take the political action of *not* acting, i.e. of respecting his own status as protector and buffer, by not transgressing the line he establishes. We might ask to what extent Solon's metaphorical or actual stone placement and stone removal are "read" by the next two generations in Athens as a useful signifying strategy.[54] Lithic self-presentation certainly figures largely in the Pisistratid repertoire: one thinks of Hipparchus and his wisdom-speaking herms, inscribed with elegiac verses, set up along Attica's roadways.[55] In effect, the Solonian metaphorical message (copy me, do no take up arms against one another, respect this eloquent rock) uses the indirection to be found in poetry and performance in order to reshape and diffuse conflict. It is this indirect technique that we may see being used in the theatricality of Pisistratus' procession with the girl Phye dressed as Athena, and elaborated in the poetical displays of fifth-century drama.[56]

This brings us back to the macro-level. Imperialist ideology, positivism, and evolutionary ideas of culture are not just modern phenomena. Already at least the first and third items were in the air in ancient Greece, and become impediments to our understanding of Solon as poet-politician. The cognitive filters developed by rationalist thinkers in the fifth and fourth century BC, together with the discovery of rhetoric and of prose as the new media for the discourse of power have made Solon's poems into quaint relics rather than powerful performances

[52] For similar intermingling of past and present by way of deictic devices, in Pindaric poetry, see Martin (2004).

[53] For the use of markers (*sêmata*) in competitive games see *Od.* 8.192–203.

[54] Again, retaining the possibility that the poetry is transmitted only orally up to the mid-fifth century BC.

[55] Pl. *Hipparch.* 228c–229d, on which see Nagy (1990) 161–162.

[56] See Connor (1987) on Pisistratean theatricality in this episode and Blok (2000) on the political and cultic context of the same event. I thank Josine Blok for guidance on the history of this set of issues.

(as well as performances of power). The ultimate irony is that Solon *did* finally become a boundary-stone, of sorts. He stands as the *horos* between two very different forms of Greek (and eventually world) culture, between the wisdom offered by performance and the knowledge arising from documents.[57] Unless we take advantage of the interpretive possibilities given us by careful cultural comparison, we risk being stuck on our own side of this divide.

Bibliography

Almeida, J. 2003. *Justice as an aspect of the polis idea in Solon's political poems: a reading of the fragments in light of the researches of new classical archaeology*. Leiden / New York / Boston.

Anhalt, E. 1993. *Solon the Singer: Politics and Poetics*. Lanham, MD.

Bauman, R. and Sherzer, J. eds. 1989. *Explorations in the Ethnography of Speaking*. 2nd ed. Cambridge.

Blaise, F. 1995. Solon. Fragment 36 W. Pratique et fondation des normes politiques. *REG* 108:24–37.

Blok, J. 2000. Phye's Procession: Culture, Politics, and Peisistratid Rule. *Peisistratos and the Tyranny: A Reappraisal of the Evidence*, ed. H. Sancisi-Weerdenburg, 17–48. Amsterdam.

Bowie, E.L. 1986. Early Greek Elegy, Symposium, and Public Festival. *JHS* 106:13–35.

Connor, W.R. 1987. Tribes, Festivals and Processions: Civic Ceremonial and Political Manipulation in Archaic Greece. *JHS* 107: 40–50.

Donlan, W. 1980. *The Aristocratic Ideal in Ancient Greece: Attitudes of Superiority from Homer to the end of the fifth century B.C.* Lawrence, KS.

Fernandez, J. 1986. *Persuasions and Performances: The Play of Tropes in Culture*. Bloomington, IN.

Fernandez, J. ed. 1991. *Beyond Metaphor. The Theory of Tropes in Anthropology*. Stanford.

Ferrara, G. 1964. *La politica di Solone*. Napoli.

Gerber, D. 1999. *Greek Elegiac Poetry From the Seventh to the Fifth Centuries BC*. Loeb Classical Library Nr. 258. Cambridge, MA.

Goldhill, S. 2002. *The Invention of Prose*. Greece and Rome New Surveys in the Classics Nr. 32. Oxford.

Gordon, R.L. ed. 1981. *Myth, religion, and society: structuralist essays*. Cambridge.

Graziosi, B. 2002. *Inventing Homer. The Early Reception of Epic*. Cambridge.

Harris, E.M. 1997. A New Solution to the Riddle of the *Seisachtheia*. In *The Development of the Polis in Archaic Greece*, ed. L.G. Mitchell and P.J. Rhodes, 103–112. London.

[57] The transition in Athens is meticulously traced by Thomas (1989).

Lakoff, G. and Turner, M. 1989. *More Than Cool Reason: A Field Guide To Poetic Metaphor*. Chicago.
Loeffler, A. 1993. La valeur argumentative de la perspective énonciative dans Solon fr. 1 G.-P. *QUCC* 45: 23–36.
L'Homme-Wéry, L. 1996. *La perspective éleusinienne dans la politique de Solon*. Liège.
Loraux, N. 1984. Solon au milieu de la lice. In *Aux origines de l'Hellenisme: La Crete et la Grece. Hommage a Henri van Effenterre*, 199–214. Paris.
Martin, R.P. 1989. *The Language of Heroes: Speech and Performance in the Iliad*. Ithaca, NY.
Martin, R.P. 1993. The Seven Sages as Performers of Wisdom. In *Cultural Poetics of Archaic Greece*, ed. C. Dougherty and L. Kurke, 108–128. Cambridge.
Martin, R.P. 2004. Home is the Hero: Deixis and Semantics in Pindar *Pythian* 8. *Arethusa* 37: 343–363.
Montiglio, S. 2000. Wandering Philosophers in Classical Greece. *JHS* 120: 86–105.
Morris, I. 2000. *Archaeology As Cultural History: Words And Things In Iron Age Greece*. Malden, MA.
Mülke, C. 2002. *Solons politische Elegien und Iamben (Fr. 1–13; 32–37 West). Einleitung, Text, Übersetzung, Kommentar*. München.
Nagy, G. 1990. *Pindar's Homer: The Lyric Possession Of An Epic Past*. Baltimore.
Nagy, G. and Figueira, T. ed. 1985. *Theognis of Megara: Poetry and the Polis*. Baltimore.
Noussia, M. 2001. *Solone, Frammenti dell' opera poetica*. Translations by M. Fantuzzi. Milano.
Ober, J. 1995. Greek Horoi: Artifactual Texts and the Contingency of Meaning. In *Methods in the Mediterranean. Historical and Archeological Views on Texts and Archaeology*, ed. D.B. Small, 91–123. Leiden.
Shapiro, S. 1996. Herodotus and Solon. *ClAnt* 15: 348–364.
Sherzer, J. 1983. *Kuna Ways of Speaking: An Ethnographic Perspective*. Austin.
Sherzer, J. 1990. *Verbal Art in San Blas*. Cambridge.
Stocking, G. 1989. *Romantic Motives: Essays On Anthropological Sensibility*. Madison, WI.
Stocking, G. ed. 1991. *Colonial Situations: Essays On The Contextualization Of Ethnographic Knowledge*. Madison, WI.
Struck, P. 2004. *Birth of the Symbol: Ancient Readers at the Limits of Their Texts*. Princeton.
Thomas, R. 1989. *Oral Tradition and Written Record in Classical Athens*. Cambridge.
Vox, O. 1984. *Solone autoritratto*. Padova.
West, M.L. 1993. *Greek Lyric Poetry*. Transl. with introduction and notes. Oxford.
Younghusband, F. 1921. Culture as the Bond of Empire. In *Essays by Divers Hands* n.s. 1, ed. H. Newbolt, 125–154. London.

PART II

SOLON THE LAWGIVER

CHAPTER SEVEN

IDENTIFYING SOLONIAN LAWS

Adele C. Scafuro

In 1966, Eberhard Ruschenbusch published a collection of fragments of Solon's laws together with a study of their transmission. Since that time, scholars who cite Solon's laws have regularly used Ruschenbusch's enumeration and have noted his categorization of the fragments as genuine or spurious. They have not always agreed with his ascriptions[1]—and still less with his overview of the evolution of Athenian law for which his Solonian fragments formed an important pillar.[2] Nevertheless, the collection has become the standard work of reference for scholars who study and discuss archaic and Solonian law. In this essay, I first quickly review some of the principles underlying Ruschenbusch's collection. I then ask, is it possible to discover even more fragments of Solonian laws? To answer this, I turn to two laws that have been inserted into Demosthenes' forty-third oration at sections 75 and 54 in the manuscript known as *Augustanus*. Some scholars have argued for the archaic origin of the two laws. After first delineating problems that arise in using laws that are inserted into the manuscripts of Demosthenes, I make a more specific argument that [Dem.] 43.75 and 54 are genuine laws and that each contains at least a Solonian kernel.

Ruschenbusch's collection

While controversial in his choice of principles regarding what is Solonian and what is not (e.g., the outcome of Solonian legal disputes depend on the formal oaths of litigants, magistrates impose penalties only determined by law, and the *aestimatio poenae* is a later development),[3] and while rarely inconsistent but not infrequently inscrutable

[1] Perhaps the most controversial is his treatment of *IG* I² 115.10–23 (= *IG* I³ 104.10–23) and ascription of the first *axôn* to Solon: Ruschenbusch (1966) 21, 24 n. 49, 27 and F 5a*; cf. Stroud (1968) 31–32.

[2] See, e.g., Hansen (1976) 58, 65–66, 79 and 116–118 for disagreement over Ruschenbusch's view of *atimia* and evolution of *apagôgê*.

[3] Oaths of litigants: F 42 and interpretation in Ruschenbusch 1968: 78–82; for

(e.g., regarding which Solonian laws were absorbed into the post-Euclidean lawcode),[4] and while apparently ignorant of at least one relevant textual issue (Ruschenbusch seems to assume that the laws that are inserted into the mss. of the orators were put there in the fourth century) and while dead wrong on occasion (e.g., when he based the size of the *axones* on a multiple of the average size of a law accepted into his collection),[5] yet for all that, Ruschenbusch's collection is an admirable piece of work and provides us with a core of arguably reliable fragments of Solonian laws, considering the limitations of the evidence. Let us be clear before proceeding further as to what Ruschenbusch called a fragment. Rarely does he claim that the one to seven passages that may constitute a fragment consist of *ipsissima verba*; while now and again allegedly verbatim "fragments of laws" appear, often there may be only one or two genuine Solonian words from a lexicographer's gloss. More often, there are reports or descriptions of laws from later authors; occasionally, there is recurrent phraseology.[6] On the basis of all these different kinds of fragments, bold scholars might reconstruct Solonian laws.

In the introduction to the collection, Ruschenbusch seeks to establish the tradition of the transmission of the laws and then he assesses the quality of that transmission. He begins by asking whether any of Solon's laws survived into the fifth century and whether any laws quoted by later writers are in fact Solonian. He makes a strong case for the preservation of the *axones*—they were still to be seen in the Prytaneion at Athens as late as 200 BC (Ruschenbusch T 20–22). Moreover, Aristotle had written a five-book treatise on the *axones* (περὶ τῶν Σόλωνος ἀξό-

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a different interpretation of F 42, see Gagarin's contribution to this volume. *Contra* Ruschenbusch's view of the magistrate's task in Solon's time, see, e.g., MacDowell (1978) 30–33; Rhodes (1981) 160–161 and 318. *Contra* Ruschenbusch's (1968: 13) view of the absence of *aestimatio poenae*: see MacDowell (1976) 26–27.

[4] Ruschenbusch (1966) 59 tentatively—i.e., with an asterisk—considers nine passages (five are laws inserted into the manuscripts of Demosthenes) from the revised lawcode of 403 to be Solonian in origin on the basis of parallel testimony, style, and contents (and cf. p. 54 n. 141); he does not accord the same Solonian status to F 109 (= *lex apud* [Dem.] 43.62), although he used that law to illustrate a 'general law' (i.e., one directed to citizens rather than magistrates) and to usher in a list of seven fragments of the same type (none Demosthenic) that were absorbed into the revised lawcode (p. 29). Here we definitely miss the promised commentary. In lieu of that, see Blok's commentary on F 109 in her contribution to this volume.

[5] Ruschenbusch (1966) 25 and n. 50; cf. Stroud (1968) 60, n. 120.

[6] Ruschenbusch uses italics in the fragments to emphasize the contents of a law that is found in the midst of an extensive passage; he uses interspacing ('Sperrung') to indicate verbatim quotations from the laws.

νων).[7] For those in the fourth century who wanted to consult genuine Solonian laws, their wish could be a dream come true—go look at the *axones*, go talk to Aristotle or Theophrastus. Not so, however, for the greater part of the third and second centuries. The library amassed by Aristotle and Theophrastus was transferred to Skepsis in 287; one part was bought by Ptolemy II Philadelphos for the library in Alexandria; the other part was lost. Ruschenbusch conjectured that Aristotle's work on the *axones* belonged to the latter group; luckily, Appelikon of Teos discovered Aristotle's lost works at the end of the second century (ca. 130/100 BC) and Sulla transferred the library to Rome in 82 BC. The transfer (or theft) created an extraordinary splash in the world of scholarship: Asclepiades, Didymus, and Seleucus all followed with commentaries on the *axones*. But Aristotle's two century absence had also left its mark: Hermippus the Hellenistic biographer had filled the vacuum with his own not terribly scientific researches and Hermippus' intervention furnishes the reason why Plutarch, Diogenes Laertius, and Diodorus Siculus report both good and false traditions of Solonian laws.[8]

Obvious objections can be made—e.g., during the dark ages of the third and second centuries, there may have been other copies of Aristotle's work or other copies of Solon's laws, or particular laws may have been available in the Atthidographers—the 'tradition' may not be so 'closed,' so black and white, as Ruschenbusch would persuade us. But this is on the jolly side of things: for there may have been more genuine Solonian laws available than Ruschenbusch would admit on the basis of his estimation of the narrow pipelines of transmission.

As for the collection itself, Ruschenbusch designates the first 93 fragments (157 passages) as genuine; the remaining 59 (87 passages) are designated *Falsches, Zweifelhaftes und Unbrauchbares; Redner*. All laws ascribed by Attic orators to Solon—with the exception of a well-known clause from Lysias 10.16 (F 23c)—are false ascriptions since the orators found their laws in the post-Eucleidean code. Some Solonian laws, however, had been absorbed into that code; Ruschenbusch marked these with an asterisk and included them among the genuine 'da sie durch Parallelzeugnisse, Inhalt und Stil in jeder Hinsicht als original

[7] For a more skeptical view of the preservation and even existence of these sources, see de Ste. Croix (2004) 306–322.

[8] For detailed references, see Ruschenbusch (1966) 31–42; more detail in Stroud (1979).

solonisch gesichert sind.'[9] Rationale for that genuineness, however, is not always clear and certainly not articulated at length—the promised commentary never appeared and notations in the collection are epigrammatic. Nevertheless, numerous essays published before and after the collection, as well as the monograph *Untersuchungen zur Geschichte des athenisches Strafrechts* (1968), fill some of the gaps. Moreover, in a two and a half page survey of the genuine fragments in which he mentioned all but one,[10] Ruschenbusch manages to convey a notion of his method of ascription which fundamentally relies on his assessment of the transmission of the *axones*: does the writer who reports the law rely on a source belonging to the well-founded pipeline of transmission or, on the poisonous side of things, has his source been corrupted by Hermippus or influenced by the reports of Attic orators who drew upon a revised Athenian lawcode and not the *axones* of Solon? Ruschenbusch begins with the best-attested passages, and by that he means a reliable ancient source has assigned them to a numbered *axôn* (6 passages), or to an *axôn* without a number (11), or to the *kyrbeis* (4); these groups provide us with 21 passages. Another 18 are mostly brief glosses from the lexicographic tradition and an additional 5 are Lysias' glosses on Solonian language. Next he lists 6 passages extracted from Aristotle and 2 from Demetrius of Phaleron, all reliable for one reason or another (e.g., a law might be cited that is no longer in use). Another 6 passages extracted from Plutarch are genuine because the sums mentioned in them, whether for the price of animals or as penalties for delicts, are low enough to fit the Solonian period.[11] Another 17 passages pertain to homicide. For the remaining 20 passages, rationale is less definable. Contents together with a sound transmission are the grounds for assigning 7 of them; in all instances, the case for sound transmission consists of a reliable source (e.g., Plutarch) and association with other laws that are ascribed to the *axones* or else the use of language that has been glossed as Solonian. Content alone provides grounds for the remaining 13 attributions; laws

[9] Ruschenbusch (1966) 59.

[10] Ruschenbusch (1966) 11–13 mentions almost every fragment (but not each of the 157 passages). I have found no explanation for F 24; possibly it belongs among the 'glosses' in group b and has dropped out by mistake (Ruschenbusch assigns 11 passages to this group but mentions only ten; but F 41a also belongs here).

[11] In *adnotationes apud* F 32a and 33b Ruschenbusch points out the hundredfold increase in penalty from the time of Solon's laws; he also points out the similar wording for penalties that are paid both to the *idiotês* and to the *dêmosion* in F 32a, 33b, and 36.

that are comprehensible as stemming from the harsh realities of Solon's era belong here—e.g., laws regarding the sale of women into prostitution (F 31).

Reasons for rejection from the collection are just as important as those for admission. Historical circumstances which form the preconditions for a law's existence may be post-Solonian—e.g., the so-called *post-aliquanto* law restricting the size of funeral monuments and alluding to the *epitaphios logos* requires a building program and public funeral practices that are not attested in Solon's time.[12] Sums of money may be too high—whether for prizes (for athletes: F 143b), dowries (for poor *epiklêroi*: F 126), or penalties (for slandering the dead: F 33b). The use of formulae such as ἐπιμελεῖσθαι τὸν ἄρχοντα, βασιλέα, κτλ. signals the revised lawcode's arrangement by magistracy, which, according to Ruschenbusch, is not attested for Solon's laws.[13] Penalty procedures were more limited in Solon's time: magistrates did not impose penalties of their own calculation. A prosecutor coming before a magistrate would swear an oath; only if the defendant countered with an oath of denial would the Eliaia hear the case and vote on the question of guilt. The Eliaia, however, made assessments of disputed objects and could vote an additional penalty in cases of theft.[14]

There is obviously room to maneuver regarding the integrity of Ruschenbusch's collection. But instead of detracting from it, I would like to add another category to the two broad categories of the genuine and the false. The new category consists of laws that may have a Solonian kernel. In what follows, I shall argue that when studying Solon's legislation we should include laws that are demonstrably Solonian in content by analogy to laws that are better attested for the ancient lawgiver. The specific legal kernels that I am supporting for admission to the Solonian club appear in [Dem.] 43.75, which I designate "the *archôn*'s law on caring", and [Dem.] 43.54, which I designate "the *archôn*'s law on poor *epiklêroi*". What has caused the exclusion of the two laws from the collection of fragments is that the procedure in the first law, including the method of penalty assessment, does not accord with

[12] Ruschenbusch F 72a (= Cic. *de leg.* 2.63) and Ruschenbusch (1966) 9–10; for more detailed discussion and more plausible resolution of the chronological difficulties, see Blok's contribution to this volume.

[13] Ruschenbusch (1966) 28–30; for vigorous refutation of the argument that the Solonian code was not arranged by magistracy, see Stroud (1968) 32–33, n. 11.

[14] On the roles of magistrates and Eliaia, see Ruschenbusch (1968) 74–82. See n. 3 above regarding the *aestimatio poenae.*

Ruschenbusch's notion of Solonian procedure; moreover, sums mentioned in the second law are too high for the Solonian era. Since the two laws that are the object of study have been transmitted to us in the Demosthenic corpus, and since that transmission is problematic, I preface further discussion with a set of presuppositions that underlie their treatment.

Using laws that are inserted into the manuscripts of Demosthenes

First, laws that are cited in Demosthenic orations must be examined individually for their authenticity. Secondly, the laws cited in these orations were not included in the first texts that circulated in public in the fourth century but were inserted later.[15] Some may have been inserted by Hellenistic scholars from bona fide collections of Athenian laws, but there was plenty of room for error and confusion via, e.g., abbreviation or the insertion of the wrong law.[16] Thirdly, in the case of a genuine and correctly selected law, regardless of the meaning of its particular terms whenever the law was first introduced, the meaning of those terms will be redefined in a later age and will reflect contemporary usage.[17]

These presuppositions have been applied to my argument and have affected my method. Accordingly, I offer a demonstration of the genuineness of [Dem.] 43.75 and 54 in the next part of this essay; the operation of the two laws in the fourth century is a question to which I return at the end of the essay.

One particular phrase has been problematic in this law. [Dem.] 43.75 mentions as an offence the committing of hybris or doing something *paranomon* to certain categories of victim; similar phrasing is used of the offence in the law on *hybris* (*lex apud* Dem. 21.47).[18] Some of the

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[15] Drerup (1899) 544–551; MacDowell (1990) 43–47.

[16] An early editor may have found the wrong law (but genuine nonetheless) and may have inserted that; some scholars have made just such a claim about the law inserted at Dem. 21.94—other scholars, however, think that very same law a forgery. See MacDowell (1990) 317–318 for scholars who think the law is 'wrong' but genuine and those who think it is a forgery; MacDowell takes the second position.

[17] Thus *atimia* in the early sixth century may have meant outlawry, but in the fourth century will have been understood as disfranchisement.

[18] The law on *hybris* cited at Dem. 21.47 begins: 'if anyone commits *hybris* against anyone, whether child, woman, or man, free or slave, or if he does *paranomon ti* against any of them …' While the shared clause is an important one since it presents the charge in each case, scholars are usually content to observe the repetition between

results of scholars who have deliberated over the meaning of these terms in the latter law can be used here—for I certainly do not intend to offer anew here an examination of the terms *hybris* and *paranomon ti*. As for the meaning of *hybris* as an offence: I believe that the evidence adduced by MacDowell and further amassed and analyzed by Fisher provides sufficient demonstration of the correctness of the view that *hybris*, understood as a legal offence, is *not* restricted to physical injury and that it *does* take into account the intention of the offender, e.g., to dishonor his victim, or to act self-indulgently at another's expense (i.e., a version of the traditional view).[19] Concerning the meaning of 'doing *paranomon ti*,' scholars have focused upon the *-nomos* component of the word. Some have argued that the compound must mean "contrary to written law" and so the law must postdate the use of the term *nomos* (i.e., in the mid- to late fifth century) to refer to "written law".[20] Others have argued that the compound can mean "contrary to social *mores*" and so the law may have been composed much earlier.[21] I believe that Martin Ostwald has made an important contribution to this question in his 1986 study, *From Popular Sovereignty to the Sovereignty of Law*; there he examines the meaning of *paranom-* words in the context of *nomos* and *nomos* compounds.[22] Ostwald has shown that while *nomos* had become the usual term to designate a written statute in the late-to-mid-fifth century, *paranom*-words in the last quarter of the century maintain both a non-legal and legal sense; moreover, both meanings are used by the same authors. Accordingly, I believe that the phrase *paranomon ti poiêsai* could mean 'to do anything contrary to the social code' and that the

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one law and the other; e.g., MacDowell (1990) ad loc.; Fisher (1992) 54, 'The wording here [(Dem.) 43.75] was surely modelled on that of the *hybris* law …' ; Morrow (1976) [1939]: 38 n. 37; Lipsius (1908) 424, n. 21. In (unpublished) work (Solonian Laws? The In-?Authenticity of Six Laws Inserted in Demosthenic Orations), I argue that the *nomos hybreôs* (*apud* Dem 21.47) may have evolved, conceptually, from the law that offered protection against the maltreatment of *epiklêroi*, orphans, deserted *oikoi*, and pregnant widows ([Dem.] 43.75); viewed from this evolutionary perspective, the *nomos hybreôs* is an extension of the protection, offered to the limited categories of the earlier law, to the broad spectrum of the inhabitants of Attika.

19 Fisher (1992) 36–85. MacDowell (1990) 18–22, with review of work appearing since his 1976 essay. I believe that the passages cited by Fisher and MacDowell in legal contexts are united in showing the intentional meanness of the *hybristês* toward his victim. The evidence adduced by Gagarin (1979) 230 and n. 4 for limiting *hybris* to physical injury is inadequate.

20 Thus, e.g., Ruschenbusch (1965) Gagarin (1979).

21 Thus, e.g., MacDowell (1976) and (1990): sixth century; Fisher (1992): Solonian.

22 Ostwald (1986) 111–136.

phrase could have appeared before the mid-fifth century in a law on *hybris* or in an *archôn*'s law on caring; after the mid-fifth century, the phrase could mean 'to do anything contrary to law' but it might still also convey 'to do anything contrary to the social code'. In other words, the phrase may have appeared in an archaic law as well as in a fourth century law, and the phrase makes sense in both periods.

Kakôsis: [Dem.] *43.75 and* Ath. Pol. *56.6–7*

> Ὁ ἄρχων ἐπιμελείσθω τῶν ὀρφανῶν καὶ τῶν ἐπικλήρων καὶ τῶν οἴκων τῶν ἐξερημουμένων καὶ τῶν γυναικῶν, ὅσαι μένουσιν ἐν τοῖς οἴκοις τῶν ἀνδρῶν τῶν τεθνηκότων φάσκουσαι κυεῖν. τούτων ἐπιμελείσθω καὶ μὴ ἐάτω ὑβρίζειν μηδένα περὶ τούτους. ἐὰν δέ τις ὑβρίζῃ ἢ ποιῇ τι παράνομον, κύριος ἔστω ἐπιβάλλειν κατὰ τὸ τέλος. ἐὰν δὲ μείζονος ζημίας δοκῇ ἄξιος εἶναι, προσκαλεσάμενος πρόπεμπτα καὶ τίμημα ἐπιγραψάμενος, ὅ τι ἂν δοκῇ αὐτῷ, εἰσαγέτω εἰς τὴν ἡλιαίαν. ἐὰν δ' ἁλῷ, τιμάτω ἡ ἡλιαία περὶ τοῦ ἁλόντος, ὅ τι χρὴ αὐτὸν παθεῖν ἢ αποτεῖσαι. [Dem.] 43.75
>
> **The *archôn* is to take care of children without fathers (*orphanoi*), heiresses (*epiklêroi*), *oikoi* that are being left destitute [of heirs], and all women who remain in the *oikoi* of their deceased husbands on the claim they are pregnant. The *archôn* is to take care of these and to prohibit anyone from committing *hybris* to them. And if anyone does commit *hybris* or does *ti paranomon*, he is authorized to penalize them according to the *telos*** [i.e., 'according to the Solonian class of the offender' or 'within the limits of his competence'].[23] And if the offender seems to deserve a greater penalty, he is to summon him within five days, and, with the penalty inscribed, he is to bring him before the (H)eliaia. And if he is convicted, the (H)eliaia is to assess whatever penalty the convicted offender is to suffer or to pay.

What offences might be envisioned by *hybris* or *ti paranomon* in the context of the law cited at 43.75? Scholars have assumed that the offences are identical with some of those witnessed in Aristotle's *Athênaiôn Politeia* under the designation *kakôsis* and attested elsewhere in the orators.[24] I

[23] The meaning of the phrase ἐπιβάλλειν κατὰ τὸ τέλος is controversial: the first translation is maintained by Dareste and Kahrstedt, the second by Lipsius, Gernet, Bonner and Smith, Harrison, and Rhodes. For bibl. references and a summary of the debate, see Harrison (1971) 5 n. 2 and Rhodes (1981) 634–635.

[24] Scholars who have equated *kakôsis* with *Ath. Pol.* 56.7 and [Dem.] 43.75: Lipsius (1908) 342–343; Rhodes (1981) 630 (see n. 42 below); MacDowell (1978) 94; Ruschenbusch (1968) 54–55 and n. 181 and 73 (see n. 43 below).

believe that that assumption is basically correct, but requires scrutiny and refinement.

Ath. Pol. 56.6 introduces a number of *graphai* and *dikai* which fall under the *archôn*'s jurisdiction;[25] *Ath. Pol.* 56.7 contains an abbreviated version of the *archôn*'s law on caring:

> [6a] γραφαὶ δ[ε] κ[αὶ] δίκαι λαγχάνονται πρὸς αὐτόν, ἃς ἀνακρίνας εἰς τὸ δικαστήριον εἰσάγει, [γ]ονέων κακώσεως, αὗται δ' εἰσὶν ἀζήμιοι τῶι βουλομένωι διώκειν, ὀρφανῶν κακώσεως, αὗται δ' εἰσὶ κατὰ τῶν ἐπιτρόπων, ἐπικλήρου κακώσε[ω]ς, [α]ὗται δ' εἰσὶ κ[ατὰ τῶν] ἐπιτρόπων καὶ συνοικούντων, οἴκου ὀρφανικοῦ κακώσεως, εἰσὶ δὲ καὶ αὗται κ[ατὰ τ]ῶν ἐπιτρό[π]ων, [6b] παρανοίας, ἐάν τις αἰτιᾶταί τινα παρανοοῦντα τὰ πα[τρῶια ἀ]πολλύν[αι], εἰς δατητῶν αἵρεσιν, ἐάν τις μὴ θέληι [τὰ] κοινὰ [ὄντα νέμε]⟨σθαι⟩, εἰς ἐπι[τ]ροπῆς κατάστασιν, εἰς ἐπιτροπῆς διαδικασίαν, εἰς ἐ[μ-φανῶν κατάστασ]ιν, ἐπίτρ[οπ]ον αὑτὸν ἐγγράψαι, κλήρων καὶ ἐπικλήρων ἐπι[δικασίαι. [7]**ἐπιμελεῖτ]αι δὲ καὶ τῶν [ὀρ]φανῶν καὶ τῶν ἐπικλήρων καὶ τῶν γυναικῶν ὅσαι ἂν τελευ[τήσαντος τοῦ ἀνδρ]ὸς σκή[πτω]νται κυεῖν· καὶ κύριός ἐστι τοῖς ἀδικοῦσιν ἐπιβάλ[λειν ἢ εἰσάγειν· εἰς] τὸ δικα[στή]ριον.** μισθοῖ δὲ καὶ τοὺς οἴκους τῶν [ὀρ]φανῶν καὶ τῶν ἐπικ[λήρων ἕως ἄν τις τεττα]ρακαιδ[εκ]έτις γένηται, καὶ τὰ ἀποτιμήματα λαμβάν[ει· καὶ τοὺς ἐπιτρόπους], ἐὰν μὴ [δι]δῶσι τοῖς παισὶ τὸν σῖτον, οὗτος εἰσπράττει.[26]
>
> [6a] The following *graphai* and *dikai* are lodged before him [the *archôn*] and, after he has held a preliminary examination, he introduces them to the jury-court: for maltreatment of parents—these cases are penalty-free for the person who wishes to prosecute; for maltreatment of children without fathers (*orphanoi*)—these are cases against guardians; for maltreatment of an heiress (*epiklêros*)—these are cases against guardians and *sunoikountes* ('those dwelling in the same house'—i.e., kinsmen, or 'co-dwellers in marriage'—i.e., husbands); for maltreatment of the estate of *orphanoi*—these cases, too, are against guardians; [6b] for insanity, when a man is accused of dissipating his property through insanity; for the appointment of distributors, if anyone objects to the administration of property in common; for the appointment of a guardian; for the disputed adjudication of a guardianship; for displaying to public view; for hav-

[25] *Graphai* here is probably to be understood in its wide sense, to mean 'any kind of public action'; that inference is supported by passages in the orators where the term *graphê* is used to refer to extraordinary procedures such as *eisangelia* (impeachment); moreover, the remedy for *kakôsis* appears to be *eisangelia* in the orators. The action is called an *eisangelia* in [Dem.] 58. 32 and Isae.11.6 (and in c. 15 the participle is used), but is later referred to as a *graphê* in the same speech, cc. 28, 31, 32, 35. Cf. Harp. s.v. *eisangelia*: ἑτέρα δὲ εἰσαγγελία λέγεται ἐπὶ ταῖς κακώσεσιν· αὗται δ' εἰσὶ πρὸς τὸν ἄρχοντα, καὶ τῶι διώκοντι ἀζήμιοι, κἂν μὴ μεταλάβηι τὸ ε̄ μέρος τῶν ψήφων. The penalty-free status of the action is attested by Isae. 3. 47 and 11. 31.

[26] Text of Chambers (1986); note Dareste's supplement, accepted by Kahrstedt (1936) 216: καὶ εἰσάγειν, and see the explanation of Rhodes (1981) 634.

> ing oneself appointed guardian; for adjudications of estates or heiresses [*epiklêroi*). [7] **He cares for *orphanoi* and heiresses and all women who at the death of the husband claim to be pregnant; and he has full power to authorize a summary fine on offenders or to bring them before the jury-court**. He lets out the estates of *orphanoi*, and of heiresses until they reach the age of fourteen, and receives the valuations of the security offered by the lessees; and if guardians do not give the children their maintenance, he exacts it.[27]

Ath. Pol. 56.6–7 is a potpourri of remedies, all seeming somehow similar. The first section, 6, really falls into two halves: the first half (56.6a) covers remedies for *kakôsis* (of *epiklêroi*, orphans, and orphaned *oikoi*) and the second half (56.6b) covers remedies for unprotected estates. *Ath. Pol.* 56.7, similar to [Dem.] 43.75, covers remedies for *epiklêroi*, *orphanoi*, and pregnant widows. The following table makes clear the similarities.

	Ath. Pol. 56.6a *kakôsis* of:	*Ath. Pol.* 56.7 *archôn* has care of:	[Dem.] 43.75 *archôn* has care of:
1.	parents		
2.	*epiklêroi*	*epiklêroi*	*epiklêroi*
3.		pregnant widows	pregnant widows
4.	*orphanoi*	*orphanoi*	*orphanoi*
5.	estates of *orphanoi* (οἴκου ὀρφανικοῦ)	rents out estates of orphans and *epiklêroi*, accepts *apotimemata*, exacts maintenance for children	
6.			desolated *oikoi*

Ath. Pol. 56.6b: *archôn* has care of remedies for insanity (leading to the squandering of property?), for the selection of estate distributors, for instituting guardianship, for the adjudication of guardianship, for displaying to public view, for having oneself registered as guardian, for adjudications of estates and *epiklêroi*.

In addition to the similarities so far noted, the language of *Ath. Pol.* 56.7 and [Dem.] 43.75 is strikingly similar. In fact, *Ath. Pol.* 56.7 and [Dem.] 43.75 appear to be the same law; the confirmation of the latter law by the report in the former suggests the genuineness of [Dem.] 43.75.[28] But what is the relationship of the remedies for *epiklêroi*, *orphanoi* and 'orphaned estates' as they appear in *Ath. Pol.* 56.6a to the remedies

[27] Trans. Rhodes (1984), modified.

[28] Cf. Rhodes (1981) 633, *ad* 56.7: 'In [D] 43 *Mac.* 75 we have what purports to be

presented in the law represented by *Ath. Pol.* 56.7 and [Dem.] 43.75—is this a case of the sloppy note-taking of Aristotle or his Student? Has he created—perhaps from varied sources—one version of the law in 56.6a and copied another in 56.7? These are questions to which I shall return later.

First, let us examine the substance of the offence: what is *kakôsis*, and is it equivalent to *hybrizein* and *poiêsai paranomon ti* in [Dem.] 43.75? In *Ath. Pol.* 56.6, the author does not define *kakôsis* (which was probably easily identifiable to his audience as conveying 'maltreatment') but instead connects the wrong with a particular category of wrong-doer and wronged victim; thus, in the case of *kakôsis* of orphans, action is to be taken against guardians, and in the case of *kakôsis* of *epiklêroi*, action is to be taken against guardians and *sunoikountes* (i.e., kinsmen or husbands). We must turn to the orators for descriptions of the offence; no preserved law provides a definition. Cases of *kakôsis* of *epiklêroi* and orphans can be identified in the orators (1) by the appearance of the term *kakôsis* or *kakousthai* (as in instances a-d below); (2) by the mention of the procedure of *eisangelia* (as in a-c);[29] or by the mention of the freedom from penalty for a losing prosecutor—an exceptional privilege granted to those who pursued *eisangeliai* for *kakôsis* of *epiklêroi* and orphans (as in e). The following cases appear in the orators (all of fourth-century date):[30]

(a) Isaeus 3.46–47 (Wyse): The plaintiff suggests that his opponent, were he really an uncle of an *epiklêros*, would have brought an *eisangelia* against the adopted brother of the girl for his failure to marry her; he expresses his outrage in this fashion:

> καὶ οὐκ [ἂν] εἰσήγελλας πρὸς τὸν ἄρχοντα κακοῦσθαι τὴν ἐπίκληρον ὑπὸ τοῦ εἰσποιήτου οὕτως ὑβριζομένην καὶ ἄκληρον τῶν ἑαυτῆς πατρώιων καθισταμένην ἄλλως τε καὶ μόνων τούτων τῶν δικῶν ἀκινδύνων τοῖς διώκουσιν οὐσῶν καὶ ἐξὸν τῶι βουλομένωι βοηθεῖν ταῖς ἐπικλήροις;

(and may be accepted as a *verbatim* quotation of the law whose substance *A.P.* gives here …'

[29] A public remedy, *phasis*, appears to have been used in regard to the leasing of an orphan's estate (Dem. 38.23; Harp., s.v. *phasis*, citing a lost speech of Lysias, Πρὸς τὴν φάσιν τοῦ ὀρφανικοῦ οἴκου ; see MacDowell (1991) in M. Gagarin, ed. (1991).

[30] We might also add, for the sake of completeness: Aeschin. 1.158: One Diophantes, known as 'the orphan', arrests a foreigner before the *archôn*, on the claim that he had been cheated of four *drachmai* in some dealing having to do with prostitution. Note that arrest, not *eisangelia* is mentioned; Hansen (1976) 29 suggests this may have been an arrest following an *eisangelia*.

> And did you fail to bring a denunciation to the *archôn*, to the effect that the *epiklêros* was being maltreated by the adopted son—when she was being subjected to such *hybris* and was being deprived of her father's estate—and especially when these particular lawsuits are uniquely without penalty for prosecutors and anyone who wishes may seek redress for the *epiklêroi*?

Ibid., 62: The plaintiff claims that if anyone tried to remove the alleged *epiklêros* from her paternal estate or used violence on her, he would be liable not only to *idiai dikai*, but also to *eisangelia.*

(b) Dem. *Medon* ad Pollux 8.53: The fragment refers to *eisangeliai*, either 'against spouses who fail to have intercourse with the *epiklêros* appropriately' (thus Meier; cf. a[1] below) or 'against non-kinsmen who marry an *epiklêros*' (libri)—depending on whether Meier's emendation is accepted in the former case and as printed below.

> Δημοσθένης ἐν τῶι κατὰ Μέδοντος καὶ κατὰ τῶν μὴ προσηκόντως* τῆι ἐπικλήρωι συνοικούντων γίγνεσθαι τὰς εἰσαγγελίας λέγει.[31]
>
> * προσηκόντων *libri*: *corr.* Meier

(c) Isaeus 11: The oration is the plaintiff's speech in an *eisangelia* for *kakôsis* of an orphan; the procedure (6, 15) and offence (*kakousthai*: 35) are mentioned; the specific charge is the guardian's failure to carry out an alleged agreement to share half an inheritance with his ward.

(d) [Dem.] 58 *Theokr.* 31–32: Theokrines allegedly summoned Polyeuktos before the *archôn*, bringing a *graphê* (= *eisangelia*?) for *kakôsis*, apparently on the grounds that he was attempting to defraud an orphan of his estate.[32]

(e) Dem. 37.45–46 (*Against Pantainetos*): The speaker claims that the plaintiff Pantainetos, in an earlier trial against the speaker's business partner, Euergos, had accused him of intruding into the private quarters of *epiklêroi*; the plaintiff had entered the courtroom with 'the laws of *epiklêroi*'; the speaker then wonders why the plaintiff brought no charge against Euergos:

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[31] Meier's emendation as reported by Lipsius (1908) 349 n. 34 and Wyse (1904) 329.

[32] On the possibility that Polyeuktos was guardian of the orphan, see Lipsius (1908) 344, n. 20.

καὶ πρὸς μὲν τὸν ἄρχοντα, ὃν τῶν τοιούτων οἱ νόμοι κελεύουσιν ἐπιμελεῖσθαι, καὶ παρ' ᾧ τῷ μὲν ἠδικηκότι κίνδυνος περὶ τοῦ τί χρὴ παθεῖν ἢ ἀποτεῖσαι, τῷ δ' ἐπεξιόντι μετ' οὐδεμιᾶς ζημίας ἡ βοήθεια, οὐδέπω καὶ τήμερον ἐξήτασται, οὐδ' εἰσήγγειλεν οὔτ' ἔμ' οὔτε τὸν Εὔεργον…

And yet up to this day he has not appeared before the *archôn* whom the laws put in charge of such matters and before whom the guilty party runs the risk of punishment or fine while the prosecutor avails himself of redress without penalty; he has not yet denounced (*eisêngeilen*) me or Euergos…

In examples a, b, and c, a kinsman's or guardian's failure to fulfill an obligation to an *epiklêros* or an orphan is an instance of *kakôsis*.[33] In example a, moreover, the *epiklêros* who is deprived of her rightful inheritance is explicitly envisioned as a victim of *hybris* (ὑβριζομένην); she has been married to a non-kinsman, in the words of the speaker, ὡς ἐξ ἑταίρας οὖσαν (cf. c. 41 where the speaker claims that when the adopted brother demanded that the estate be adjudicated to him, this was tantamount to making the girl a *nothê*). In examples d and e, the particular offence is different, and in e, the identity of the alleged offender is also different. As for the offence in these instances: rather than consisting of the failure to fulfill an obligation, it consists of a transgression of social *mores* or the plan to commit an unlawful act. Thus in d ([Dem.] 58.31–32), a man is alleged to have plotted to defraud an orphan of his estate; and in e (Dem. 37.45–46), a man wonders why another individual has not indicted a business partner for intruding into the quarters of *epiklêroi*.[34] As for the identity of the offender in examples d and e: whereas in cases a, b, c, and arguably in d as well (see n. 32), he is a relative or guardian, in e he appears to be an unrelated third party. *Ath. Pol.* 56.6 had restricted offenders to *epitropoi* or *sunoikountes*; we must assume abbreviation: whereas a failure to fulfill an obligation would naturally be a failure on the part of a

[33] *Dikai epitropes* (private suits about guardianship) were also in use in the fourth century, and presumably available earlier. In such cases as these, the victim must depend on his *kyrios* to bring the suit, and since his *kyrios* will be the guardian against whom he is bringing suit (unless there is a board of guardians, one of whom will sue the others), the victim will probably have to wait until he reaches majority to bring his case to court. *Eisangelia* is an improvement upon that situation. Moreover, *eisangelia* was subject to no penalties for the prosecutor—neither for losing nor dropping the case; and it was not subject to *epobelia*, as the *dikê epitropês* was.

[34] For portrayals of hybristic intrusions into women's quarters, see Lys. 3. 6–7, 23; 12. 19; Dem. 21.79; 37.46–48; 47.53 and 60.

relative or guardian, other sorts of (active) offences might be committed by anyone, whether a relative, a guardian, or some other person.

A broad division of *kakôsis* into passive offences (failure to carry out obligations) and active ones (such as, e.g., intruding into the living quarters of *epiklêroi*) is evident not only in *kakôsis* against *epiklêroi* and orphans but also in *kakôsis* against parents. Known offences of the passive type are: the failure to provide parental support (μὴ τρέφειν: Xen. *Mem.* 2.2.13; Aeschin. 1.13; Dem. 24.107); failure to provide housing (μὴ παρέχειν οἴκησιν: Aeschin. 1.13); failure to care for parental burials (τοὺς τάφους μὴ κοσμεῖν: Xen. *Mem.* 2.2.13). 'Striking' a parent (τύπτειν) is the only offence of the active type to which our sources allude (e.g. Lysias 13.91). Unlike 'active' *kakôsis* against *epiklêroi* and orphans which can be brought against any offender regardless of his relationship to the victim, the offenders in *kakôsis* against parents will always be related to their victims, namely, their children.

We might also compare certain laws (or testimony for laws) ascribed to Solon that created or defined similar obligations:

(a[1]) F 51a–b (Plut. *Sol.* 20.4; Plut. *Mor.* 769a [*amat.*]): the husband of the *epiklêros* must have intercourse with her thrice a month. (Cf. b above = Dem. *Medon* apud Pollux 8. 53.)
(b[1]) F 53* (*lex apud* Dem. 46.20): the son of an *epiklêros* who is two years past puberty is to have possession of his patrimony and is to measure out the *sitos* for his mother.
(c[1]) F 54 (Harp. 166, 24 Sud. s 502 Phot. 514, 6): 'the revenue (*prosodos*) given for maintenance to women or orphans is called *sitos*, as we learn from others but especially from Solon's first and (?) *axôn* and from Aristotle's *Politeiai* of the Athenians.'[35]
(d[1]) F 55a–c (Ar. *Av.* 1353; Liban. *Decl.* II, 14 [5, 517, 11 Förster): Children are to support their parents.

The four laws cited or paraphrased above are generally regarded as authentic and Solonian and may be accepted as such. Indeed, F 54 (c[1]) is assigned a numbered *axôn* and F 55a (d[1]) is associated with the *kyrbeis* and so both belong to the elite among Ruschenbusch's fragments; F 53 (b[1]) regarding the *epiklêros*' maintenance is related to F 54 (c[1]) with its elite connection to an *axon*; and F 51 (a[1]), though not an 'elite fragment' nevertheless belongs to the well-attested legislation on inheritance and

[35] The ascription to Solon's *axon(es)* is variously reported and emended; see Ruschenbusch's *app. crit.*

forms a unity with F 52 which is guaranteed Solonian authorship by its gloss ὀπύειν.[36] In F 51 (a[1]), the husband of the *epiklêros* is obliged to have intercourse with her thrice a month. b[1] and c[1] concern the obligation to maintain *epiklêroi* and orphans. d[1] concerns the obligation of children to support their parents. c[1] is hardest to reconstruct; the only pertinent section of *Athênaiôn Politeia* (adduced by c[1] as a source for its citation of the law) is *Ath. Pol.* 56.7, which, at its very end, records: καὶ τοὺς ἐπιτρόπους], ἐὰν μὴ [δι]δῶσι τοῖς παισὶ τὸν σῖτον, οὗτος εἰσπράττει ('and from the guardians] the *archôn* is to exact the *sitos* if they do not give it to the children'). Thus we might infer from c[1] (= F 54) that the Solonian law required guardians (?) to provide maintenance to orphans, and these may be girls and boys. But if women were also to be maintained (as c[1] = F 54 seems to stipulate), possibly another category (in addition to orphan children) was guaranteed maintenance; *epiklêroi* with sons who were not yet two years past puberty is one possibility, pregnant widows another.[37]

Kakôsis: [Dem.] *43.54*

At this point it will be useful to add to this recipe for *kakôsis* the law presented at [Dem.] 43.54, the *archôn*'s law on poor *epiklêroi*:

> Τῶν ἐπικλήρων ὅσαι θητικὸν τελοῦσιν, ἐὰν μὴ βούληται ἔχειν ὁ ἐγγύτατα γένους, ἐκδιδότω ἐπιδοὺς ὁ μὲν πεντακοσιομέδιμνος πεντακοσίας δραχμάς, ὁ δ' ἱππεὺς τριακοσίας, ὁ δε ζευγίτης ἑκατὸν πεντήκοντα, πρὸς οἷς αὐτῆς. ἐὰν δὲ πλείους ὦσιν ἐν τῷ αὐτῷ γένει, τῇ ἐπικλήρῳ πρὸς μέρος ἐπιδιδόναι ἕκαστον. ἐὰν δ' αἱ γυναῖκες πλείους ὦσι, μὴ ἐπάναγκες εἶναι πλέον ἢ μίαν ἐκδοῦναι τῷ γ' ἑνί, ἀλλὰ τὸν ἐγγύτατα ἀεὶ ἐκδιδόναι ἢ αὐτὸν ἔχειν. **ἐὰν δὲ μὴ ἔχῃ ὁ ἐγγυτάτω γένους ἢ μὴ ἐκδῶι, ὁ ἄρχων ἐπαναγκαζέτω ἢ αὐτὸν ἔχειν ἢ ἐκδοῦναι. ἐὰν δὲ μὴ ἐπαναγκάσῃ ὁ ἄρχων, ὀφειλέτω χιλίας δραχμὰς ἱερὰς τῇ Ἥρᾳ. ἀπογραφέτω δὲ τὸν μὴ ποιοῦντα ταῦτα ὁ βουλόμενος πρὸς τὸν ἄρχοντα**.
>
> In regard to all *epiklêroi* who are rated in the class of *Thêtes,* if her nearest of kinsmen does not want to marry her, he is to give her away in marriage; the *Pentakosiomedimnos* is to dower her with 500 *drachmai*; the *Hippeus* with 300 *drachmai*; the *Zeugitês* with 150; her personal belongings

[36] Ruschenbusch (1966) 11–13.

[37] Harp. s.v. Σίτος opens thus: Δημοσθένης ἐν τῶι κατ' Ἀφόβου α'. σῖτος καλεῖται ἡ διδομένη πρόσοδος εἰς τροφὴν ταῖς γυναιξὶν ἢ τοῖς ὀρφανεῖς. Whereas Harpocration's report may allow for the interpretation that by 'women' all women are meant, the ascription of the datum to *Ath. Pol.* suggests that the broad category may have been restricted to *epiklêroi* and/or pregnant widows.

> are additional to these sums. And if there are several kinsmen in the same degree of kinship, each is to contribute his share to the dowry of the *epiklêros*. And if there are several women, a kinsman is not obliged to give away in marriage more than one, but it is obligatory for the nearest kinsman to give her away or marry her, and the next who is nearest is to marry another and so on. **And if the nearest kinsman fails to marry or dower her, the *archôn* is to compel him to marry or dower her. And if the *archôn* does not compel him, he is to owe a thousand *drachmai*, consecrated to Hera. Any person who so wants is to denounce (*apographetô*) before the *archôn* the kinsman who does not carry out his duty**.[38]

Here we have another law that defines the obligation of kinsmen toward *epiklêroi*, and this time, specifically toward poor *epiklêroi*. The law adduces an instance of what can be construed as *hybris* or *ti paranomon*, namely the failure by the next of kin to marry the *epiklêros* himself or to dower her to another.[39] There is no verbatim or nearly verbatim quotation of the law elsewhere, but the requirement that enjoins the nearest kinsman to marry the poor *epiklêros* or else to dower her appears in Isaios 1.39 and in the later lexicographical tradition; it also shows up in New Comedy plots and on two occasions the dowry offer is five hundred *drachmai*.[40] Legal historians in general have accepted the law as genuine, but they have not ascribed the law to Solon.[41] While the use of Solonian classes and the general content (protection of *epiklêroi*) of the law suggest a Solonian origin (cf. F 51–53), the dowry sums and magistrate's penalty are too high. Possibly, then, we have a kernel of a Solonian law—namely, its basic substance, that kinsmen who did not marry poor *epiklêroi* were to dower them—but not the law itself which may have provided lesser sums, or even no sums at all.

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[38] The law allows 'anyone who so wants' (*ho boulomenos*) to denounce (*apographein*) to the *archôn* anyone who violates the law's prescriptions; it is not left to the *archôn* alone to make inquiries. *Apographein* here probably means "to give information" or "to denounce." Cf. Lipsius (1908) 300–301 and n. 11; Harrison (1968) 136 n. 1 thinks the verb here means 'let him bring a *graphê*' (which verb, if it could mean that, one would expect to appear in the middle).

[39] Thus Rhodes (1981) 630.

[40] Poseidippos, cited by Harp. s.v. ϑῆτες ; Ter. *Phorm*, 295–297, 407–410. For difficulties in the lexicographic tradition, see Harrison (1968) 135 n. 2.

[41] In Ruschenbusch's collection, [Dem.] 43.54 appears among the spurious fragments (F 126a–c). The context of Solon's restriction on dowry in general as reported by Plutarch (F 71a = Plut. *Sol.* 20.6: τῶν δ' ἄλλων γάμων ἀφεῖλε τὰς φερνάς κτλ.) suggested to Ruschenbusch (F 126c *adn.*) that in Plutarch's source the law regarding the "dowering" of poor *epiklêroi* may have appeared directly before it.

A definition of kakôsis

A definition of *kakôsis* on the basis of the particular fourth-century cases adduced here (a-e) *and* the Solonian laws (a¹- d¹) *and* the Solonian kernel represented by [Dem.] 43.54 might run as follows: *kakôsis* is the serious neglect or indifference to "what is owed an individual according to his or her status in an *oikos*"—i.e., it is treatment of others that may be unlawful or contrary to the social code—in either case, it is something *paranomon*; or, *kakôsis* is the "willful taking advantage of an individual in an act executed in the belief that the individual is without protection and the doer can get away with it"—i.e., it is to commit *hybris*. Viewed thus, *kakôsis*—or whatever term preceded its use—provides the framework for understanding the entry of *hybris* into the terminology of legal offence: *hybrizein* and *poiêsai paranomon ti* were yoked to an umbrella concept which at some point came to be called *kakôsis*—possibly early on, in association with *kakôsis* of parents, or possibly the umbrella term was different at the outset—there is no evidence. In any event, *kakôsis* at some point became the specific and technical term for an action that was overseen by the *archôn* for acts of *hybris* or treatment that was *paranomon ti* towards certain categories of victim.[42] The two categories of victim (aside from parents) witnessed in the orators, *epiklêroi* and orphans, are comprised of individuals who share the particularly vulnerable characteristic of lacking a father, closest of legally competent blood-kin, to provide them a father's protection. As for pregnant widows who remain in the *oikoi* of deceased husbands (*Ath. Pol.* 56.7 and [Dem.] 43.75), it is the (ever)lasting absence of their husbands, their marital *kyrioi*, that renders them vulnerable. Neglecting what is due to an unprotected victim (*epiklêros*, orphan, pregnant widow) makes that neglect *paranomon ti*, and willfully taking advantage of an unprotected victim renders that act hybristic.

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[42] Rhodes (1981) 630 apud *Ath. Pol.* 56.6 includes among the offences belonging to *kakôsis* of *epiklêroi*: 'failure by the next of kin to marry the heiress himself or find her a husband, ὕβρις (laws *ap.* [D.] 43 *Mac.* 54, 75), and failure by the husband to have intercourse with her as prescribed by the law *ap.* Pl. *Sol.* 20.2–4 (Poll. 8.53).' Accordingly, he, too, has subsumed the offences adumbrated in [Dem.] 43.75 to *kakôsis*; I have gone a step further, however, by maintaining that specific offences such as failure to marry the heiress or the husband's failure to have intercourse with her thrice a month would be instances of *poiêsai paranomon ti* (i.e., "of doing something contrary to law [or "contrary to social *mores*"]").

So much for substance; now let us turn to the trickier part, procedure, and let us return to our first law, [Dem.] 43.75 and its abbreviated twin in *Ath. Pol.* 56.7. In fact, let us return to the questions I posed before I began exploring the substance of the offence called *kakôsis* in *Ath. Pol.* 56.6a and the substance of the offence called 'committing *hybris* or doing *paranomon ti*' in *Ath. Pol.* 56.7 and [Dem.] 43.75. What is the relationship of the remedies for *epiklêroi*, *orphanoi* and 'orphaned estates' in *Ath. Pol.* 56.6a to the remedies presented in the law represented by *Ath. Pol.* 56.7 and [Dem.] 43.75? Are they the same laws—or different ones?

Procedure

If we identify the initiator of the remedy in the different passages, we win a clue to the types of remedy and possibly to the origin of the laws. In the fourth century, *eisangelia* is the most commonly adduced procedure for *kakôsis* of *epiklêroi* and orphans; *graphai* at 56.6 may be understood broadly as referring to any kind of public action (see n. 25), and thus may refer to *eisangelia*. But whether *graphê* in *Ath. Pol.* 56.6 is understood as referring to prosecution by *eisangelia* or by *graphê*, the initiative for the prosecution lies with *ho boulomenos* in *Ath. Pol.* 56.6. Not so in *Ath. Pol.* 56.7 and [Dem.] 43.75: the procedure depicted in those passages gives the initiative to the *archôn*. While it is possible that the *archôn* might receive 'denunciations' from third parties (as in *lex apud* [Dem.] 43.54, *apud fin.*),[43] it is still the *archôn* who decides whether to bring the offender to trial and who pursues the offender in court. On the basis of this procedural detail, a number of legal historians have suggested that *Ath. Pol.* 56.7 and [Dem.] 43.75 represent an archaic procedure. Ruschenbusch thought that the procedure of the *archôn* was archaic here and that it was (an early version of) *eisangelia* for *kakôsis* in which a denouncer

[43] Note how the procedures of the two laws interlock: whereas 43.54 provides *ho boulomenos* as the one who informs the *archôn* of the negligent kinsman, 43.75 provides the mechanism of enforceability: the *archôn* is to fine the offending kinsman (whether as *hybristês* or doer of *ti paranomon*—that will be determined by particular circumstances—cf. Isae. 3.46–47). Ruschenbusch (1968) 54, after quoting and paraphrasing the law on poor *epiklêroi* ([Dem.] 43.54), says: 'Über die Zwangsmittel selbst belehrt uns ein Gesetz aus der Amtsanweisung für den Archôn… [quotation of [Dem.] 43.75] …'; Ruschenbusch then describes the procedure of 43.75 as operative in 43.54. Similarly, Drerup (1898) 295, 'Eng verbunden ist [Makart. 75] hiermit das Gesetz gegen Makart. 54 über die θῆσσαι…' ; Wyse (1904) 221; Rhodes (1981) 630.

would bring his information to the *archôn*; the 'denouncer' for Ruschenbusch is the forebear of *ho boulomenos* bringing a *graphê*.[44] He also pointed to certain departures in *eisangelia* for *kakôsis* from protocols that were usual in fourth-century public trials: there were no court fees; there was no penalty for dropping a case or for not garnering a fifth of the votes; there was no time limit measured by the water-clock for the prosecutor's case; in these departures we might see vestiges of privilege that had been reserved for magistrates who initiated courtroom prosecutions in an earlier period. With reservation concerning the names of the archaic procedure (as *eisangelia*) and offence (as *kakôsis*), Ruschenbusch's evolutionary schema for the procedures and offence that became *eisangelia* for *kakôsis* in the fourth century is, I think, acceptable—although I shall make an important qualification soon. The remedies depicted in *Ath. Pol.* 56a, on the other hand, are a fourth century version of the archaic remedy for *hybris* and *paranomon ti* in *Ath. Pol.* 56.7 and [Dem.] 43.75.

Could the archaic procedure depicted in the law cited at [Dem.] 43.75 and reported in *Ath. Pol.* 56.7 be Solonian? Earlier I adduced a number of Solonian laws that created or defined obligations for kinsmen, husbands and sons of *epiklêroi*, and guardians; these obligations looked to the protection of *epiklêroi*, orphans, parents, and 'women' (possibly *epiklêroi* with young children, possibly pregnant widows). But what happened when kinsmen and guardians failed to carry out the obligations in these Solonian laws? Surely a magistrate was in charge of complaints. Is it possible that the law cited at [Dem.] 43.75 (and abbreviated at *Ath. Pol.* 56.7, after the list of offences that mainly concern *kakôsis*) was the law that authorized that magistrate to supervise the execution of those obligations and to penalize egregious violations? For if Solon did not himself create that law ([Dem.] 43.75), then he must have composed or had available an earlier version by which a magistrate was authorized to supervise the categories of persons protected by his own laws. Ruschenbusch, by adhering to the principle that the *aestimatio poenae* did not exist in Solon's time, does not allow this simple conclusion; in his view, neither could the *archôn* have decided, on the basis of his own free evaluation of the evidence, that the offender deserved a penalty greater than the *telos*, nor could the Eliaia have determined what the offender was to suffer or to pay. Accordingly, the law has been excluded from the Solonian collection. Nonetheless, the logic of my argument stands:

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[44] Ruschenbusch (1968) 54–55.

the obligations defined in Solon's laws require magistrates to enforce them. While the procedural issue regarding the method of the magistrate's decision cannot be resolved definitively on the basis of positive evidence, we can be certain that the kernel of the law and even some part of its procedural shell (namely, the involvement of the magistrate) is Solonian.

Finally, why do we have the double presentation of *kakôsis*—both a fourth century version and an archaic version—in *Ath. Pol.* 56. 6–7? And a similar question: has the editor or scribe of [Dem.] 43 inserted an obsolete law in section 75 of that speech? Proving obsolescence, like proving a negative, is difficult. The speaker of Lysias 15.3 indignantly asks: 'What behavior could be more disgraceful or what conduct more monstrous for the city if the *archôn* were to beg and supplicate the *dikastai* in the lawsuits of *epiklêroi*?' (τί δ' ἂν αἴσχιον ἔθος ἢ δεινότερον πρᾶγμα τούτου ⟨ἐν⟩ τῇ πόλει γένοιτο, εἰ τολμήσει ὁ μὲν ἄρχων ἐν ταῖς τῶν ἐπικλήρων δίκαις ἀντιβολεῖν καὶ ἱκετεύειν τοὺς δικαστὰς ὅ τι ἂν βούληται πραχθῆναι). Apparently, that the *archôn* might enter the courtroom to plead for the vulnerable was a possibility that might be entertained as gruesome fantasy, but a fantasy that was hardly likely to be instantiated. Nonetheless, I think the law need not have been obsolete: there may have been cases, every now and again, that were brought to the *archôn*'s attention as being in particular need of his intervention and so the law may have stayed "on the books". As more speculative rationale, however, I suggest that the main substance of the law was allowed to stand because it was a venerable old law, associated with Solon. The *archôn*'s traditional role as 'caretaker' of the 'unprotected' (*epiklêroi*, orphans, empty *oikoi*, pregnant widows) was to be preserved in word; it could not possibly be repealed in fact.[45]

Conclusions

1. The '*archôn*'s law on caring' (*lex apud* [Dem.] 43.75), to a great extent, is an archaic and possibly Solonian law; this hypothesis is based upon four Solonian laws (4 a[1], b[1], c[1], and d[1]= Ruschenbusch F 51a–b, F 53*, F 54, and F 55): these require the existence of a law such as

[45] References to the *archôn*'s role as overseer of *epiklêroi*, orphans, and orphaned *oikoi* are not uncommon in the orators: Lys. 26.12; Dem. 35.48; 37.46; Aeschin. 1.158; Isae. 7.30.

that at [Dem.] 43.75 to authorize a magistrate to ensure that kinsmen and guardians carry out the obligations that the laws (4 a[1], b[1], c[1], d[1]) impose.

2. The '*archôn*'s law on poor *epiklêroi*' may have a Solonian kernel; it defines obligations for kinsmen toward *epiklêroi*; the dowry sums, however, are too high for Solon's age.

3. Some of the descriptions of *kakôsis* against orphans and *epiklêroi* in fourth century orations replicate what might reasonably be inferred to be the sort of specific infringements that Solonian laws 4a[1], b[1], c[1] aimed to prevent: namely, the neglect of obligations owed *epiklêroi* and orphans; *paranomon ti poiêsai* ('to do something contrary to social *mores*') characterizes this neglect and makes sense in the context of Solon's laws.

4. *Kakôsis* became (perhaps early on—there is no evidence) the term used for the umbrella concept under which *hybrizein* and *paranomen ti poiêsai* were yoked together.

5. The usual procedure for *kakôsis* in the fourth century was *eisangelia* (*Ath. Pol.* 56.6, and the instances in the orators noted earlier as 4a, b, c, e); the procedure was different under the *archôn*'s law on caring (*Ath. Pol.* 56.7 and [Dem.] 43.75); while the procedure in the latter law may have been virtually obsolete in the fourth century, nevertheless the law was kept "on the books" as a venerable relic of the past.

Bibliography

de Ste. Croix, G.E.M. 2004. *Athenian Democratic Origins and Other Essays*, ed. D. Harvey and R. Parker. Oxford.

Drerup, E. 1898. Über die bei den attischen Rednern eingelegten Urkunden. *Jb. Cl. Ph.* Supplementband 24: 221–366.

Drerup, E. 1899. Antike Demosthenesausgaben. *Philologus* Supplementband 7: 531–588.

Fisher, N.R.E. 1992. *Hybris. A study in the values of honour and shame in Ancient Greece*. Warminster.

Gagarin, M. 1979. The Athenian law against *hybris*. In *Arktouros: Hellenic Studies presented to Bernard Knox*, ed. G.W Bowersock, W. Burkert, and M.C.J. Putnam, 229–236. Berlin and New York.

Hansen, M.H. 1976. *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes: A Study in the Athenian Administration of Justice in the Fourth Century B.C.* Odense.
Harrison, A.R.W. 1968–1971. *The Law of Athens*. 2 vols. Oxford.
Kahrstedt, U. 1936. *Untersuchungen zur Magistratur in Athen*. Stuttgart-Berlin.
Lipsius, J.H. 1905–1915. *Das attische Recht und Rechtsverfahren*. 3 vols. in 4. Leipzig. Reprinted 1966, Darmstadt and 1984, Hildesheim.
MacDowell, D.M. 1976. *Hybris* in Athens. *G&R* n.s. 23: 14–31.
MacDowell, D.M. 1978. *The Law in Classical Athens*. London.
MacDowell, D.M. 1990. *Demosthenes Against Meidias (Oration 21)*. Oxford.
MacDowell, D.M. 1991. The Athenian Procedure of *Phasis*. In *Symposion 1990: Vorträge zur griechischen und hellenistischen Rechtsgeschichte*, ed. M. Gagarin, 187–198. Köln, Weimar, and Wien.
Morrow. G.R. 1976. *Plato's Law of Slavery*. Repr. of 1939 ed. *Illinois Studies in Language and Literature*, vol. 25.3.
Ostwald, M. 1986. *From Popular Sovereignty to the Sovereignty of Law*. Berkeley.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian* Athênaiôn Politeia, Oxford.
Rhodes, P.J. 1984. *Aristotle. The Athenian Constitution*. Translated with introduction and notes. Harmondsworth.
Ruschenbusch, E. 1966. ΣΟΛΩΝΟΣ ΝΟΜΟΙ. *Die Fragmente des solonischen Gesetzeswerkes mit einer Text- und Überlieferungsgeschichte. Historia Einzelschriften* 9. Wiesbaden.
Ruschenbusch, E. 1968. *Untersuchungen zur Geschichte des athenischen Strafrechts*. Köln and Graz.
Stroud, R. 1968. *Drakon's Law on Homicide*. Berkeley.
Stroud, R. 1979. *The Axones and Kyrbeis of Drakon and Solon*. Berkeley.
Wyse, W. 1904. *The Speeches of Isaeus, with Critical and Explanatory Notes*. Cambridge. Reprinted 1979, New York.

CHAPTER EIGHT

SOLON'S FUNERARY LAWS: QUESTIONS OF AUTHENTICITY AND FUNCTION

Josine H. Blok

According to several ancient authors including Cicero and Plutarch, Solon issued special regulations concerning funerals.[1] The rules laid down how the funeral was to be conducted, with details on the participation of women, they specified the number of shrouds in which the corpse were to be laid out, and prohibited several activities such as the singing of dirges (*thrênoi*). The references to these laws are scattered over half a dozen texts dating from two-and-a-half to ten centuries after Solon. Beside these fragments, the relevant source material includes epigraphical evidence on funerary laws from other *poleis* dating from, probably, the second half of the sixth to the late fifth or early fourth century, archaeological evidence from the cemeteries of Athens of the eighth to the sixth centuries and iconographical information, mostly on vases and plaques of the sixth century. It is no surprise, then, that modern scholars disagree on the reliability of the fragments of the laws in representing the original and even more so on the purpose and effect of these laws.

The current interpretations, which rarely use all source material in equal measure, can be classified by their answers to several core questions. Assuming that Solon was indeed the author of these laws, what kind of problems was he trying to address? What were the broader legal, political or social conditions to which these laws belong? And on behalf of whom did he draw them up?

One prevailing approach regards the Solonian laws as restrictive measures directed against certain groups. A majority view within this approach regards the aristocracy as the intended target. Solon would have tried to limit the conspicuous display of the aristocratic funerals, either to further the principles of *isonomia* or to curb political loyal-

[1] I am grateful to Edward Harris, André Lardinois, P.J. Rhodes, and Adele Scafuro for valuable comments on earlier drafts of this article. Unless otherwise specified, translations are my own.

ism roused by ostentatious mourning.[2] A minority view regards Solon's funeral laws as directed against women. Not only would women's excessive mourning behaviour have been restrained for the sake of propriety, but Solon's law would have been one in a series of initiatives which removed the control of burial rites from the hands of women and the family to those of the state.[3] Both policies of restriction would have culminated in the public burial of the war dead, as well-known from the fifth and fourth centuries. These interpretations of Solon's laws are represented foremost in historical studies in which the written evidence prevails. In addition, they share some crucial perceptions of the historical context. The increasing control of the state over the burial rites is regarded as a development paralleled by an increasing distinction between sacred and secular areas in the institutions of the *polis*. The funerary laws of archaic Greece are perceived as important components of this development and hence to have played an effective role in social and political change.[4]

A second influential interpretation regards the Solonian laws not as restricting certain groups but as resulting from a changing attitude toward death and burial.[5] This approach is represented in studies based

[2] For instance, Eckstein (1958); Engels (1998); Garland (1985); Kurtz & Boardman (1971) 90, 121–122, 'there must have been, it seems, some danger that an ordinary Greek funeral might degenerate into a display of money and noise', 200; Müller (1993); Nielsen (1989); Seaford (1994) 84–85; Shapiro (1991) 641; Stupperich (1977); Toher (1991); all with further ref. Publications in this group often refer to the Solonian laws as 'sumptuary laws' or 'Grabluxusgesetze', implying their meaning by the term itself; good critical comments on this view by Toher (1991) 160. Shapiro (1991), Seaford (1994) and Van Wees (1998) discuss restrictions of both the aristocracy and women.

[3] Alexiou (2002); Holst-Warhaft (1992) Van Wees (1998); for further context, Blok (2001) 106–107. Other scholars too regard women's behaviour as the focus of these funerary laws: Shapiro (1991) 630, who claims that 'women were apt to flock to the funerals and graves of people outside their own family'; Garland (1989) 5: 'the task of mourning the dead fell chiefly to the women, whose displays of grief, unless checked, might amount to a social nuisance'; but they provide no evidence for these suppositions and refrain from more profound conclusions concerning social change.

[4] For this view in general Loraux (1986); in detail e.g. Toher (1991) 174, who typifies these laws as 'evidence of secular institutions which curbed aristocratic power and privilege.' Garland (1989) 5 thinks that, in contrast to other *poleis*, at Athens pollution was 'sufficiently comprehended and adequately controlled not to need to be the target of legislative innovation', in other words, that Athens in the early sixth century had already advanced to a high degree of secularization and state control.

[5] D'Onofrio (1993); Frisone (2000); Houby-Nielsen (1995); Morris (1987) and see Morris (1998); Morris (1989); Morris (1992); Morris (1992-3); Seaford (1994) 74–86; Sourvinou-Inwood (1983); Sourvinou-Inwood (1995); on the changing attitude toward death based mainly on written sources, Johnston (1999); the role of funerary laws 95–98.

predominantly on archaeological evidence. The effect of funerary laws in archaic Greece on some aspects of funerary behaviour is estimated to have been slight, for reasons to be discussed in more detail below. The laws are understood to reflect general changes rather than to have brought about specific ones.[6] Opinions differ as to the main causes and tendencies of this development, which is either perceived as a gradual alteration in the *mentalité* of the archaic Greek communities toward death or as motivated by changing social and political relations. Scholars who underline the effects of a changing *mentalité* point to the fear of pollution as a major constituent of the attitude toward death and of the funerary laws, regarding religion and society in archaic Greece as closely intertwined.[7]

The interpretation I will offer here concurs with this second view on the formative role of religion in archaic and classical Greece. I will argue that Solon's funeral laws were directed neither against the aristocracy nor against women, but were meant to regulate the relations between the living and the dead. This aim entailed measures to diminish the dangers of pollution, as well as restrictions on strong allegiances across the grave. The separation of the living from the dead exemplifies the tendency to order the uses of space in the *polis* of the archaic era. The first part of this article will discuss the source material, in order to resolve what the Solonian funeral laws may have entailed and to gauge the historical context in which they originated. Next, the material will be interpreted more in depth. As a rule, I shall refer to the regulations as "Solon's laws" or more cautiously as "Solonian laws", but their authorship is a problem which needs to be kept in mind and to which I shall return in the conclusion.

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[6] For instance Morris, who prefers a social-political explanation to one of changing *mentalité*, argues that funeral laws did not affect funeral behaviour; Morris (1987), Morris (1992-3); and see below.

[7] Sourvinou-Inwood (1983) 47, Sourvinou-Inwood (1995) 440; Frisone (2000); Parker (1983) all discuss fear of death-pollution as a motive behind these laws.

Written evidence

Many of the legendary lawgivers of archaic Greece, some of whom were counted among the Seven Sages, were credited with issuing funerary laws.[8] Lycurgus is said to have created *eunomia* in Sparta and organized the funerals in such a way as to contrast with those of all other Greeks.[9] Charondas of Catana had ruled that the dead should not be lamented but honoured with *eukleia* and offerings.[10] Pittacus of Mytilene ruled that only kin should attend a funeral and the Cretan Epimenides polished Athenian burial customs not unlike Solon himself. Whereas most legendary lawgivers remain shadowy figures and only a few of their regulations became part of the tradition, Solon is more solidly situated in Athenian history and the corpus of fragments of his laws is quite extensive. In order to reassess the contents and aims of his funerary laws against the historical background of seventh- and sixth century Athens, the source material needs to be investigated in its entirety, regardless of conventional classifications as to genre or topic.[11] All literary references to his involvement in matters concerning the dead are listed here in chronological order of the sources. Next follow several extant decrees on funerary matters from other *poleis* which will be important comparative evidence. From this range of material, I will try to distil the kernels of Solon's funerary laws.

Literary sources

1 [Demosthenes] 43.62 (Against Makartatos)[12]

> Ἔτι δὲ σαφέστερον γνώσεσθε, ὦ ἄνδρες δικασταί, καὶ ἐκ τοῦδε τοῦ νόμου, ὅτι Σόλων ὁ νομοθέτης σπουδάζει περὶ τοὺς οἰκείους, καὶ οὐ μόνον δίδωσιν τὰ καταλειφθέντα, ἀλλὰ καὶ προστάγματα ποιεῖται τὰ δυσχερῆ ἅπαντα τοῖς προσήκουσι. λέγε τόν νόμον.

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[8] On the nature of these "lawgivers", Hölkeskamp (1999) and Harris in this volume; their funerary laws listed in Engels (1998).

[9] On the significant differences in funerary practice between Sparta and other *poleis*, and between the Spartan kings and the Spartan citizens, Toher (1991).

[10] Seaford (1994) 76–77.

[11] The important collection of Solonian laws by Ruschenbusch, for instance, is obviously based on modern legal classifications, not ancient ones; for strength and weaknesses in Ruschenbusch's collection, see Scafuro's contribution to this volume.

[12] I have adopted the text of the OCT (Rennie 1931). Cf. Martina 466; Ruschenbusch F 109 (spurious).

NOMOΣ

Τὸν ἀποθανόντα προτίθεσθαι ἔνδον, ὅπως ἂν βούληται. ἐκφέρειν δὲ τὸν ἀποθανόντα τῇ ὑστεραίᾳ ᾗ ἂν προθῶνται, πρὶν ἥλιον ἐξέχειν. βαδίζειν δὲ τοὺς ἄνδρας πρόσθεν, ὅταν ἐκφέρωνται, τὰς δὲ γυναῖκας ὄπισθεν. γυναῖκα δὲ μὴ ἐξεῖναι εἰσιέναι εἰς τὰ τοῦ ἀποθανόντος μηδ' ἀκολουθεῖν ἀποθανόντι, ὅταν εἰς τὰ σήματα ἄγηται, ἐντὸς ἑξήκοντ' ἐτῶν γεγονυῖαν, πλὴν ὅσαι ἐντὸς ἀνεψιαδῶν εἰσι· μηδ' εἰς τὰ τοῦ ἀποθανόντος εἰσιέναι, ἐπειδὰν ἐξενεχθῇ ὁ νέκυς, γυναῖκα μηδεμίαν πλὴν ὅσαι ἐντὸς ἀνεψιαδῶν εἰσίν.

Οὐκ ἐᾷ εἰσιέναι οὗ ἂν ᾖ ὁ τετελευτηκώς, οὐδεμίαν γυναῖκα ἄλλην ἢ τὰς προσηκούσας μέχρι ἀνεψιότητος, καὶ πρὸς τὸ μνῆμα ἀκολουθεῖν τὰς αὐτὰς ταύτας.

You will understand even more clearly, men of the jury, from the following law, that the lawgiver Solon is very much in earnest in regard of those who are relatives (οἰκείους), and not only gives them the property left by the deceased, but also lays upon them all the burdensome obligations. Read the law.

The Law

The deceased is to be laid upon a bier (προτίθεσθαι; to conduct a *prothesis*) inside, in any fashion one wishes. The next day after the *prothesis*, the deceased is to be taken outside (ἐκφέρειν; to conduct the *ekphora*) before sunrise. The men are to walk in front, when the dead are carried out for burial, the women in the rear. It is forbidden for a woman to enter the house of the deceased and to follow a corpse when it is taken to the grave when she is under sixty years, except those women who are close relatives (in the degree of second cousin). Neither is it allowed for any woman to enter the house of the deceased, when the corpse has been carried out for burial, except women who are close relatives.

The law does not allow any woman to enter the room where the deceased lies, other than close relatives to the degree of second cousins, and [it allows] the same women to follow to the tomb.

2 a. Demosth. 20.104.[13]

καὶ μὴν κἀκεῖνος τῶν καλῶς δοκούντων ἔχειν νόμων Σόλωνός ἐστι, μὴ λέγειν κακῶς τὸν τεθνεῶτα, μηδ' ἂν ὑπὸ τῶν ἐκείνου τις ἀκούῃ παίδων αὐτός.

[13] Cf. Martina 465; Ruschenbusch F 32a and b; 33 a and b. See further schol. Dem. ad loc; Arist. *Or.* 46, 302; Lex. Cantabr. 671, 7; Ruschenbusch F 118a–c. I have adopted the texts of Butcher (1907) in the case of Demosthenes *Or.* 20 and of Ziegler (1969) in the case of Plutarch's *Life of Solon.* I was unable to check the forthcoming edition of Dilts (2005). My translation of Plutarch's *Life of Solon* is based on Perrin's (1914).

And certainly there is another highly regarded law of Solon, that one should not speak ill of the dead, even if someone hears himself spoken ill of by the dead man's children.

2 b. Plut. Sol. 21.1–2

Ἐπαινεῖται δὲ τοῦ Σόλωνος καὶ ὁ κωλύων νόμος τὸν τεθνηκότα κακῶς ἀγορεύειν. καὶ γὰρ ὅσιον τοὺς μεθεστῶτας ἱεροὺς νομίζειν, καὶ δίκαιον ἀπέχεσθαι τῶν οὐχ ὑπαρχόντων, καὶ πολιτικὸν ἀφαιρεῖν τῆς ἔχθρας τὸ ἀίδιον. ζῶντα δὲ κακῶς λέγειν ἐκώλυσε πρὸς ἱεροῖς καὶ δικαστηρίοις καὶ ἀρχείοις καὶ θεωρίας οὔσης ἀγώνων, ἢ τρεῖς δραχμὰς τῷ ἰδιώτῃ, δύο δ' ἄλλας ἀποτίνειν εἰς τὸ δημόσιον ἔταξε.

Praise is given also to that law of Solon which forbids speaking ill of the dead. For it is piety to regard the deceased as sacred, justice to spare the absent, and good policy to rob hatred of its perpetuity. He also forbade speaking ill of the living in temples, courts-of-law, public offices, and at public spectacles; the transgressor must pay three drachmas to the person injured, and two more into the public treasury.

3 a. Cic. De leg. 2.59.[14]

Iam cetera in XII minuendi sumptus sunt lamentationisque funebris, translata de Solonis fere legibus. 'Hoc plus,' inquit, 'ne facito: rogum ascea ne polito'. Nostis quae secuntur. Discebamus enim pueri XII ut carmen necessarium, quas iam nemo discit. Extenuato igitur sumptu tribus riciniis et tunicla purpurea et decem tibicinibus tollit etiam lamentationem: 'mulieres genas ne radunto neve lessum funeris ergo habento'. Hoc veteres interpretes Sex. Aelius, L. Acilius non satis se intellegere dixerunt, sed suspicari vestimenti aliquod genus funebris, L. Aelius lessum quasi lugubrem eiulationem, ut vox ipsa significat. Quod eo magis iudico verum esse quia lex Solonis id ipsum vetat. Haec laudabilia et locupletibus fere cum plebe communia. Quod quidem maxime e natura est, tolli fortunae discrimen in morte.

There are other rules, too, in the Twelve Tables, which provide for the limitation of the expense and the mourning at funerals, which were borrowed for the most part from the laws of Solon. The law says this: 'Do no more than this: do not smooth the pyre with an axe.' You know what follows. For we learned the Law of the Twelve Tables in our boyhood as a required formula; though no one learns it nowadays. The expense, then, is limited to three veils, a purple tunic, and ten pipe players; the mourning is also limited: 'women shall not tear their cheeks, nor have a *lessus* at a funeral'.[15] The older interpreters, Sextus Aelius

[14] Cf. Martina 468; Ruschenbusch F 72b. As text of Cicero's *De Legibus* I follow the edition of Ziegler (1950). Translations are based on the one of Keyes (1928) in the Loeb edition.

[15] The word *lessus* was obscure already to the ancient readers. According to Dyck

and Lucius Acilius, admitted that they did not fully understand this, but suspected that it referred to some kind of a mourning garment. Lucius Aelius thought a *lessus* was a sort of sorrowful wailing, for that is what the word would seem to signify. I incline to the latter interpretation, since this is the very thing which is forbidden in Solon's law. These provisions are praiseworthy and applicable in general both to the rich and the common people. For it is quite in accordance with nature that differences in wealth should cease with death.

3 b. Idem 2.60:

Cetera item funebria, quibus luctus augetur XII sustulerunt. 'Homini' inquit 'mortuo ne ossa legito, quoi pos funus faciat'. Excipit bellicam peregrinamque mortem. Haec praeterea sunt in legibus: [de uncturaque] 'Servilis unctura tollitur omnisque circumpotatio'. Quae et recte tolluntur, neque tollerentur nisi fuissent. 'Ne sumptuosa respersio, ne longae coronae, ne acerrae' praetereantur.

Other funeral customs likewise, which tend to increase grief, are forbidden by the Twelve Tables. One of these says: 'A dead man's bones shall not be gathered up so that a funeral may be held later'. Here an exception is made in case of death in war or on foreign soil. These laws also contain the following provisions: [about anointing and?] 'Anointing by slaves is prohibited and also any sort of drinking-bout'. It is quite proper that these things should have been abolished, and the law would not have forbidden them unless they had actually occurred. Let us pass over the prohibition: 'No costly sprinkling, or long garlands, or censers'.

3 c. Idem 2.63–66.[16]

Sequebantur epulae quas inibant propinqui coronati, apud quos de mortui laude quom siquid veri erat praedicatum—nam mentiri nefas habebatur—, iusta confecta erant. Postea quom, ut scribit Phalereus ⟨Demetrius⟩, sumptuosa fieri funera et lamentabilia coepissent, Solonis lege sublata sunt, quam legem eisdem prope verbis nostri Xviri in decimam tabulam coniecerunt. Nam de tribus riciniis et pleraque illa Solonis sunt. De lamentis vero expressa verbis sunt: 'Mulieres genas ne radunto neve lessum funeris ergo habento'.

De sepulcris autem nihil est apud Solonem amplius quam 'ne quis ea deleat neve alienum inferat', poenaque est, 'si quis bustum—nam id puto appellari τύμβον—aut monimentum' inquit 'aut columnam violarit deiecerit fregerit'. Sed post aliquanto propter has amplitudines sepulcrorum, quas in Ceramico videmus, lege sanctum est, 'ne quis sepulcrum faceret operosius quam quod decem homines effecerint triduo', neque id

(2004) 405, Jonathan Powell in his new edition suggests *leiium* instead of *lessum*, but I have not been able to trace this word.

[16] Cf. Martina 469; Ruschenbusch F 72a. See further Ael. *Nat. anim.* 2.42.

opere tectorio exornari nec hermas hos quos vocant licebat inponi, nec de mortui laude nisi in publicis sepulturis, nec ab alio nisi qui publice ad eam rem constitutus esset dici licebat. Sublata etiam erat celebritas virorum ac mulierum, quo lamentatio minueretur; auget enim luctum concursus hominum. Quocirca Pittacus omnino accedere quemquam vetat in funus aliorum. Sed ait rursus idem Demetrius increbruisse eam funerum sepulcrorumque magnificentiam quae nunc fere Romae est. Quam consuetudinem lege minuit ipse.

[A discourse on the oldest law of Cecrops on funerals.] A feast followed at which the near relatives were crowned with garlands; and on this occasion, after the praiseworthy deeds of the deceased had been commemorated, if this could be done with truthfulness—for it was considered wicked to give false praise-, the proper rites were performed. Later, according to Demetrius of Phaleron, when extravagance in expenditure and mourning grew up, it was abolished by the law of Solon, a law which our decemvirs took over almost word for word and placed in the Tenth Table. For what it contained about the three veils, and most of the rest, comes from Solon. In regard to mourning they have followed his wording exactly: 'Women shall not tear their cheeks or have a *lessus* at the funeral'. But Solon has no other rules about graves except one to the effect that 'no one is to destroy them or place the body of a stranger in them', and a penalty is fixed 'in case anyone violates, throws down, or breaks a burial mound—for that, I think, is what he means by *tumbos*—or monument or column'. But somewhat later (*post aliquanto*), on account of the enormous size of the tombs, which we see in the Kerameikos, a law was issued that 'no tomb should be built that is more lavish than it would take ten men the space of three days to complete', and it should not be adorned with a plaster covering (*opus tectorium*) and that no herms, as they are called, should be placed on them; and it was not allowed that the praise of the dead was spoken of except at public burials and by no one else but who had been officially appointed for this purpose. The gathering of large numbers of men and women was also forbidden, in order to limit the mourning; for a crowd increases grief. It was for this reason that Pittacus forbade anyone at all who did not belong to the family to attend a funeral. But the same Demetrius says that the magnificence of funerals and tombs had increased again, as almost to equal that of Rome at present. This custom he himself restricted by law.

4. Plut. Sol. 12.7–9.

Epimenides of Crete, one of the Seven Sages, is called to Athens because the city, still polluted by the Cylon-affair, continued to suffer disasters.[17]

[17] In Plut. *Septem Sap.*, 157F–158A, Epimenides is called the friend of Solon and is said to have purified Delos, but no mention is made of Athens.

ἐδοκει δέ τις εἶναι θεοφιλὴς καὶ σοφὸς περὶ τὰ θεῖα τὴν ἐνθουσιαστικὴν καὶ τελεστικὴν σοφίαν· διὸ καὶ παῖδα νύμφης ὄνομα Βλάστης καὶ Κούρητα νέον αὐτὸν οἱ τότ' ἄνθρωποι προσηγόρευον. ἐλθὼν δὲ καὶ τῷ Σόλωνι χρησάμενος φίλῳ, πολλὰ προϋπειργάσατο καὶ πρωδοποίησεν αὐτῷ τῆς νομοθεσίας. καὶ γὰρ εὐσταλεῖς ἐποίησε ταῖς ἱερουργίαις καὶ περὶ τὰ πένθη πρᾳοτέρους, θυσίας τινὰς εὐθὺς ἀναμείξας πρὸς τὰ κήδη, καὶ τὸ σκληρὸν ἀφελὼν καὶ τὸ βαρβαρικόν, ᾧ συνείχοντο πρότερον αἱ πλεῖσται γυναῖκες. τὸ δὲ μέγιστον· ἱλασμοῖς τισι καὶ καθαρμοῖς καὶ ἱδρύσεσι κατοργιάσας καὶ καθοσιώσας τὴν πόλιν, ὑπήκοον τοῦ δικαίου καὶ μᾶλλον εὐπειθῆ πρὸς ὁμόνοιαν κατέστησε.

He [Epimenides] was reputed to be a man beloved of the gods, and endowed with a mystical and heaven-sent wisdom in religious matters. Therefore the men of his time said that he was the son of a nymph named Blastê and called him a new Koures (one of the Kouretai). On coming to Athens he made Solon his friend, assisted him in many ways, and paved the way for his legislation. For he [Epimenides] made the Athenians decorous and careful in their religious services and milder in their rites of mourning, by attaching certain sacrifices immediately to their funeral ceremonies and by taking away the harsh and barbaric practices in which most women had been involved up to that time. Most important of all, by sundry rites of propitiation and purification, and by sacred foundations, he hallowed and consecrated the city, and brought it to be observant of justice and more easily inclined to unanimity.

5. Plut. Sol. 21.5–7.[18]

Ἐπέστησε δὲ καὶ ταῖς ἐξόδοις τῶν γυναικῶν καὶ τοῖς πένθεσι καὶ ταῖς ἑορταῖς νόμον ἀπείργοντα τὸ ἄτακτον καὶ ἀκόλαστον, ἐξιέναι μὲν ἱματίων τριῶν μὴ πλέον ἔχουσαν κελεύσας, μηδὲ βρωτὸν ἢ ποτὸν πλείονος ἢ ὀβολοῦ φερομένην, μηδὲ κάνητα πηχυαίου μείζονα, μηδὲ νύκτωρ πορεύεσθαι πλὴν ἁμάξῃ κομιζομένην λύχνου προφαίνοντος. ἀμυχὰς δὲ κοπτομένων καὶ τὸ θρηνεῖν πεποιημένα καὶ τὸ κωκύειν ἄλλον ἐν ταφαῖς ἑτέρων ἀφεῖλεν. ἐναγίζειν δὲ βοῦν οὐκ εἴασεν, οὐδὲ συντιθέναι πλέον ἱματίων τριῶν, οὐδ' ἐπ' ἀλλότρια μνήματα βαδίζειν χωρὶς ἐκκομιδῆς. ὧν τὰ πλεῖστα κἀν τοῖς ἡμετέροις νόμοις ἀπηγόρευται· πρόσκειται δὲ τοῖς ἡμετέροις ζημιοῦσθαι τοὺς τὰ τοιαῦτα ποιοῦντας ὑπὸ τῶν γυναικονόμων, ὡς ἀνάνδροις καὶ γυναικώδεσι τοῖς περὶ τὰ πένθη πάθεσι καὶ ἁμαρτήμασιν ἐνεχομένους.

He [Solon] also made a regulation on the public appearances (*exodoi*) of women and their mourning and their festivals in a law which put an end to disorder and to licence, ordering that a woman should not go out with more than three pieces of clothing, and carrying no more food or drink than the value of an obol, and a basket[19] not larger than a cubit, and

[18] Cf. Martina 470; Ruschenbusch F 72c.

[19] A *kanês* can refer to a reed mat or a reed basket (the equivalent of a *liknon*). *LSJ* (s.v. κάνης) prefers the first meaning here, citing as parallels DH 2.23 (plur.) and Crates

that they should not travel at night except in a wagon bringing a lighted lamp. He put an end to (self-inflicted) wounding of mourners, and the singing of dirges (*thrênein*) and the bewailing of someone at the funeral of others. He did not allow the sacrifice (*enagizein*) of an ox at the grave, nor to give more than three pieces of clothing as a grave gift, nor to visit (a grave) of others except during a funeral. Most of these practices are also prohibited by our laws, but our laws have an additional statement that men who do such things are to be punished by the *gynaikonomoi*, because they engage in unmanly and effeminate affects in their mourning and thus do wrong.

6. Anecdota Graeca I, p. 86, 20–22 (Bekker).[20]

Γενέσια: οὔσης τε ἑορτῆς δημοτελοῦς Ἀθήναις, Βοηδρομιῶνος πέμπτης, γενέσια καλουμένης, καθότι φησὶ Φιλόχορος καὶ Σόλων ἐν τοῖς ἄξοσι…

Genesia: a festival on public expense in Athens, on the fifth of Boedromion, called Genesia, according to Philochoros (*FGrHist* 328 F 168) and Solon on his axons…

Epigraphical sources of comparable laws.[21]

7. Regulation of the Labyadai in Delphi.[22]

(19) hόδ' ὁ τεθμὸς πὲρ τῶ|ν ἐντοφήιων· μὴ πλέον πέν|τε καὶ τριάκοντα δραχμ[ᾶ]|ν ἐνθέμεν, μήτε πριάμενο|ν μήτε ϝοίκω· τὰν δὲ παχεῖ|αν χλαῖναν φαωτὰν εἶμεν· | [α]ἰ δέ τι τούτων παρβάλλο|[ι]το, ἀποτεισάτω πεντή-κο|ντα δραχμάς, αἴ κα μὴ ἐξομ|όσηι ἐπὶ τῶι σάματι μὴ πλ|έον ἐνθέμεν· στρῶμα δὲ hὲ|ν hυποβαλέτω καὶ ποικεφάλαιον hὲν ποτθέτω· τὸν δ|ὲ νεκρὸν κεκαλυμμένον φ|ερέτω σιγᾶι κὴν ταῖς στρ|οφαῖς μὴ καττιθέντων μη|[δ]αμεῖ, μηδ' ὀτοτυζόντων ἐ|[χ]θὸς τᾶς ϝοικίας πρίγ κ' ἐ|πὶ τὸ σᾶμα hίκωντι, τηνεῖ | ΔΕΝΑΤΟΣ ἔστω hέντε κα hα | ΘΙΓΑΝΑ ποτθεθῆι· τῶν δὲ π|[ρ]όστα τεθνακότων ἐν τοῖς | σαμάτεσσι μὴ θρηνεῖν μη|δ' ὀτοτύζεν, ἀλλ' ἀπίμεν ϝο|ίκαδε ἕκαστον ἔχθω ⟨h⟩ομε|στίων καὶ πατραδελφεῶν | καὶ πενθερῶν κὴσγόνων [κ]|αὶ γαμβρῶν· μηδὲ τᾶι hυσ[τ]|εραία⟨ι⟩ μηδ' ἐν ταῖς

Com. 12, but the second meaning makes more sense in the context of the *exodoi* of women to their festivals, because a reed basket or *liknon* was typically used to carry tools for sacrifices, notably to Dionysus, Athena, Hephaestus and Demeter: see Bérard (1976).

[20] Bekker (1814) 86. Cf. Martina 474 = 560.

[21] The texts of these epigraphical sources are based on Koerner (1993), unless noted otherwise. The translations are my own.

[22] *CID* I 9; Sokolowski *LSCG*, no. 77, 152–157 C; Koerner (1993) no. 46 with full bibliography; Frisone (2000) 103–126; Rhodes & Osborne (2003) no. 1 plus comm. The most relevant discussions: Bousquet (1966); Roux (1973); Rougemont (1974) and comm. in *CID* I 9 (Rougemont); Koerner (1993) comm. ad no. 46; Frisone (2000) 103–126. See also Jeffery (1973/4); Kurtz & Boardman (1971) 201, who read 300 instead of 35 drachmae; Garland (1989) 8–9; Toher (1991) 165–166; and Seaford (1994) 77.

δεκάτ[α]|ις μηδ' ἐν τοῖς ἐνιαυτοῖ[ς | μ]ήτ' οἰμώζεν μήτ' ὀτοτύ[ζε|ν·] αἰ δέ τι τούτων παρβ|άλλοιτο τῶν γεγραμ|μένων *vac.*

This is the ordinance (*thesmos*) about funerals. No more than 35 drachmae are to be put in(side),[23] either bought or from home. The thick garment (*chlainê*) is to be of a light colour (*phaôtos*);[24] and if someone violates one of these things, he must pay a fine of 50 drachmae, unless he swears by the grave that there is not more put in(side). Let one plaid (*strôma*) be put under (the corpse) and let a pillow be added. The covered body must be carried in silence and in the turnings they should never put it down, and there must be no wailing outside the house before arrival at the grave; let there be a *denatos* (?) until the *thigana* (?) is / are laid down;[25] for the earlier dead in the graves there should be no singing of dirges (*thrênein*) nor wailing (*ototuzein*), but let everyone go home except those of the same hearth and the paternal uncles and fathers-in-law, brothers-in-law and offspring and sons-in-law. Neither on the next day nor on the tenth nor on the year's celebrations there should be lamenting (*oimôzein*) or wailing (*ototuzein*). And if someone violates anything of these regulations…

[23] ἐντίθημι is translated incorrectly as 'aufwenden' by Koerner (1993), who applies the 'Grabluxus'-interpretation in advance to his translation. Rhodes and Osborne (commentary on p. 10) likewise regard this part of the regulation as a sumptuary law and translate ἐνθέμεν as 'to be (or had been) spent'. The inclination to translate this section with sumptuary legislation in mind has a long tradition, see Rougemont in *CID* I 9, 53 n. 135, mentioning Baunack's translation of παχεῖα as 'grossière' and Ziehen's objection to this translation as 'visiblement inspirée par l'idée qu'on voulait éviter l'emploi d'etoffes de luxe: ce qui ne se pourrait que si παχεῖα était attribut'. Rougemont *CID* I, 53, rightly observes that 'on fixe ici la valeur totale maximum des objets que l'on *met dans* la tombe avec le mort..'

[24] Rougemont in *CID* I 9, 35 relates φαωτός to φαιός, the colour mentioned in the regulations of Gambreion for the clothes of the mourners; this *phaios* is a reddish brown, hence Osborne and Rhodes (2003) translate 'brown'. However, the word φαωτός could also be related to φάος, as Frisone (2000) 112 maintains. The regular adjective for shrouds in Homer is λευκός, 'light' or 'shining': Wagner-Hasel (2000) 214.

[25] This barely readable sentence contains at least two unknown words, δενατος and θιγανα; a full translation is impossible. For various readings and interpretations, *CID* I 9, 55; useful comments in Frisone (2000) 115–119, who reads δ' ἐνατος and translates: 'qui via sia *enatos* (?), finchè sia posta giù la *thigana* (?)'; similarly, Rhodes and Osborne (2003). However, θιγανα recalls the root θιγ-, as in θιγεῖν, to touch, which may be used especially for touching a body, as in Eur. *Alk.* 1117–1131, where Euripides artfully uses this verb for Admetus who dares not touch the veiled woman who turns out to be his wife while implicitly, and later explicitly, it is clear that he cannot touch her until she has been purified—she has been a corpse, after all. The same root θιγ- seems to be present in θίγματα = miasma (Hsch.).

8. Funeral regulation from Ioulis on Keos.[26]

a.

Οἵδε νόμοι περὶ τῶγ καταφθιμ[έ]νω[ν· κατὰ | τ]άδε θά[π]τεν τὸν θανόντα· ἐν ἑμα[τ]ίο[ις τρ|ι]σὶ λευκοῖς, στρώματι καὶ ἐνδύματι [καὶ | ἐ]πιβλέματι, ἐξε͂ναι δὲ καὶ ἐν ἐλάσ[σ]οσ[ι, μ|ὲ] πλέονος ἀξίοις τοῖς τρισὶ ἑκατὸν δ[ρα|χ]μέων· ἐχφέρεν δὲ ἐγ κλίνηι σφηνόμο[δ]ι [κ]|αὶ μὲ καλύπτεν τὰ δ' ὀλ[ο]σχερ[έα] τοῖ[ς ἑματ]|ίοις· φέρεν δὲ οἶνον ἐπὶ τὸ σῆμα μὲ π[λέον] | τριῶν χῶν καὶ ἔλαιον μὲ πλέο[ν] ἑνό[ς, τά δὲ | ἀ]γγεῖα ἀποφέρεσθαι· τὸν θανό[ν]τα [φέρεν | κ]ατακεκαλυμμένον σιωπῆι μέ[χ]ρι [ἐπὶ τὸ | σ]ῆμα· προσφαγίωι [χ]ρε͂σθαι [κ]ατὰ [τ]ὰ π[άτρι|α· τ]ὴγ κλίνην ἀπὸ το[ῦ] σή[μ]ατο[ς] καὶ τὰ σ[τρώ]|ματα ἐσφέρεν ἔνδοσε· τῆι δὲ ὑστεραί[ηι δι]|αρραίνεν τὴν οἰκίην ἐλεύθερον θαλά[σση|ι] πρῶτον, ἔπειτα δὲ ὕ[δ]ατι λούεν γῆ[ι] χ[ρίσ]|αντα· ἐπὴν δὲ διαρανθῆι, καθαρὴν ἔ͂ναι τὴν οἰκίην καὶ θύη θύεν ἐφ[ίστι|α·] τὰς γυναῖκας τὰς [ἰ]ούσας [ἐ]πὶ τὸ κήδ[εον]| ἀπιέναι προτέρας τῶν {/αν}/ ἀνδρῶν ἀπὸ [τοῦ | σ]ήματος· ἐπὶ τῶι θανόντι τριηκόστ[ια μὲ | π]οιε͂ν· μὲ ὑποτιθέναι κύλικα ὑπὸ τὴγ [κλί|ν]ην, μεδὲ τὸ ὕδωρ ἐκχε͂ν, μεδὲ τὰ καλλύ[σμα]|τα φέρεν ἐπὶ τὸ σῆμα· ὅπου ἄν [θ]άνηι, επὴ[ν ἐ]|ξενιχθε͂ι, μὲ ἰέναι γυναῖκας π[ρὸ]ς τ[ὴν οἰ]|κίην ἄλλας ἒ τὰς μιαινομένας· μια[ίνεσθ]|αι δὲ μητέρα καὶ γυναῖκα καὶ ἀδε[λφεὰς κ]|αὶ θυγατέρας, πρὸς δὲ ταύταις μὲ π[λέον π|έ]ντε γυναικῶν, παῖδας δὲ [τῶν θ]υγ[ατρῶν κ|ἀ]νεψιῶν, ἄλλον δὲ μ[ε]δένα· τοὺς μια[ινομέ|νους] λουσαμένο[υς] π[ε]ρὶ κα[ὶ κατὰ κέ]φ[αλα | ὕδατ]ος [χ]ύσι κα[θαρ]οὺς ἔ͂ναι εωι[——

These are the laws (*nomoi*) about the dead. The deceased is to be buried as follows: in three white garments, the *strôma*, the *endyma* and the *epiblêma*; it is allowed also in fewer, but the three together of a value no more than 100 drachmae;[27] carry the corpse out for burial (*ekpherein*) on a bier with pointed (?)[28] legs and do not cover the parts of the bier (?) with the shrouds; bring no more than three chous wine to the grave and one of oil, the vessels must be removed; the deceased must be covered and taken in silence to the grave; hold a preliminary sacrifice (*prosphagion*) according to tradition; the bier and the plaids (*strômata*) are to be taken from the grave indoors; the next day a freeman is first to purify the house with seawater, next after rubbing the house with earth he is to wash it with clear water. After the purification the house is pure again and a sacrifice is to take place at the hearth. The women who have come to the

[26] *IG* XII 5, 593; Sokolowski *LSCG* no. 97; Prott & Ziehen, no. 93; *IJG* (ed. Dareste, Haussouillier, Reinach) I, 10–17; Koerner (1993) no. 60 and Frisone (2000) 57–102 both with full bibliography. The most relevant discussions: Bannier (1925) 288–292; Latte (1928) 45; Klaffenbach (1948), and commentary ad loc. in Prott & Ziehen no. 93; *IJG* I, 1–17; Koerner (1993) no. 60; Frisone (2000) 57–102; also Garland (1989) 11–13; Toher (1991) 164–165; Seaford (1994) 77–78.

[27] Garland (1989) 11 takes 'three' with the 100 and hence reads 300; this cannot be correct.

[28] σφηνόπους; Seaford (1994) 77 translates 'simple legs'.

funeral are to leave the cemetery before the men. Do not make a *triêkostia*-sacrifice[29] for the dead. One should not put a cup beneath the bier nor pour water out nor bring sweepings of brooms[30] to the tomb. When someone has died and after the carrying out of the corpse, no other women are to enter the house except those women who are already polluted; let the polluted women be the mother and the wife and the sisters and the daughters, and added to those not more than five women, and the children (*paidas*)[31] of the daughters and the second-degree cousins, but no one (*allon*) else. All those who are polluted (*tous mia*[*inomenous*]) are purified when they have washed themselves all over their body and head with pourings of water …

b.

[Ἔδο]ξεν τῆι | [β]ουλῆι καὶ | [τ]ῶι δήμωι· | [τῆ]ι τρίτηι | [κα]ὶ τοῖς ἐνι | [αυ]σίοις κα | [ϑ]αροὺς εἶ | [ν]αι τοὺς ποι | [οῦ]ντας, ἐς ἱ | [ε]ρὸν δὲ μὴ ἰ | [έ]ναι καὶ τὴν | [ο]ἰ[κ]ίαν καϑα | [ρ]ὴν εἶναι, μέ | [ξρι]ἀν ἐκ τοῦ | [σή]μα [τ]ος ἔλ[ϑ | ωσιν].[32]

The *boulê* and the *dêmos* have decided: that those who do (commemoration) on the third day and on the yearly (celebration) are pure, but they shall not enter a sanctuary, and the house is not pure until they have gone from the grave.

9 a. Gortyn, regulation on transportation of the dead (ekphora)[33]

αἰ μὴ εἴη δαμοσία ὀ | δός, δὶ ἀλλότριον κο | ρίον νέκυν πέρονσ | ι ἄπατον ἤμην· αἰ δὲ | κολύοι τις, δέκα σ | τατῆρανς καταστα | σεῖ· αἰ δ' ἰάττας ὀδõ | διαπέροιεν οἰ καδ | [εσταί—-

If there is no public road, let there be no punishment for those who carry the body over the land of another; if someone hinders this, let him pay ten staters; but if, while there is a road, the relatives are to carry over.

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[29] *triêkostia*: offering to the dead on the thirtieth day.

[30] καλλύσματα; brooms such as used to clean sanctuaries but also ordinary houses; Alexiou (2002) 16: 'sweepings from the house, containing all kinds of refuse (including human excreta), were customarily taken by women every month and left at the crossroads. They were known as "Hecate's suppers". Their purpose was apotropaic, to warn off evil spirits, and the monthly occurrence together with their association with Hecate suggests an origin in primitive moon magic'.

[31] Koerner (1993) 221 takes these to be only the daughters, but the Greek is ambiguous and continues with a masculine ἄλλον.

[32] This text is based on Frisone (2000) 59. At the beginning of the fifth line, however, I read κα]ὶ with Sokolowski instead of ἐπ]ὶ with Frisone.

[33] *ICret* IV, 46B; Jeffery, *LSAG* 315 no.4; ca. 500–450; Koerner (1993) no.137; Frisone (2000) 25–30; on the meaning of καδεσταὶ, Frisone (2000) 29–30; for similar regulations, *ICret* IV, 22; Jeffery, *LSAG* 315, no. 2; ca. 600–525; Koerner (1993) no. 124.

9 b. Gortyn, regulation on ritual purification after death[34]

> ϑανάτοι, αἴ κ' οἰ ἐπιβάλλ[οντες | καϑαίρ]εν μὲ λείοντι, δικάκσα|ι τὸν δικαστὰν καϑαίρε[ν . . . . | . . . . .]νσι. αἰ δέ κα μὲ καϑαίρει | ᾶι ἔγρατται, αὐτὸν καϑα[ίρεν κ' ὄ|τι κ' ἀν]αισιμόσει [ὀ]μόσαντα | διπλεῖ πρ[άδ]δεϑαι. *vac.*
>
> … to death; if the next of kin do not want to purify, the judge will decide to purify… If (the one to do so) does not purify as is prescribed, he [the judge] is to do the purification himself; and whatever he will need (to do so), he will charge under oath in double amount to (the heirs).

Commentary

The fragment in Pseudo-Demosthenes 43 (fr. 1) presents valuable information on funerary legislation. Laws quoted in fourth-century oratory are, however, notoriously unreliable. Usually such 'laws' and other documents were added at a later date to complete the manuscripts which had come down without them, and could be created by inference from the context or out of the blue altogether. Yet in some cases the relevant documents seem to have been preserved in a separate file or were taken from a different collection, e.g. of laws or oracles.[35] It is very likely that a collection of Solonian laws was available in the fourth century.[36] But here lurks an additional problem. The traditional laws of Athens were sorted and edited between 410 and 399, probably with alterations to the originals, the nature of which can only rarely be established. This editing process would also have affected fourth-century versions of Solonian laws.[37] For these reasons, Ruschenbusch classified nearly all references by fourth-century orators to Solonian laws, if not attested by other sources, as unreliable or spurious. In some cases, however, it is possible to argue for at least a Solonian kernel in a fourth-century

[34] *ICret* IV, 76; Jeffery, *LSAG* 315 no. 8; ca. 450–400; Koerner (1993) no. 150; Frisone (2000) 30–35.

[35] On the problem of documents quoted in fourth-century oratory, MacDowell (1990) 43–48 calls for caution not to regard all documents as 'spurious', 46; Kapparis (1999) 56–61, esp. 59 lists documents in the Apollodorus-text which are genuine but only partly quoted; Harris (1992) regards all quoted documents to be either (genuine) fourth-century documents or later forgeries. See also Rhodes' and Scafuro's contributions to this volume.

[36] For the access to Solon's laws in the fourth century, see Rhodes' contribution to this volume.

[37] Ruschenbusch (1966) 32–37; Stroud (1979); Clinton (1982); Hansen (1989); on the changes in amounts of money, see below.

text,[38] and the Pseudo-Demosthenes-fragment seems to be such a case. The regulations quoted here are quite specific and cannot be inferred from the context, except for the point the speaker wishes to make, that the degree of kinship—and hence the right to inheritance—is borne out by the presence of the relatives at the funeral.

Moreover, comparison of fr. 1 with the extant decrees from other *poleis* reveals significant similarities.[39] The most relevant here are the regulations of the Labyadai-phratry from Delphi, a large text of which the funeral regulation is only a part, the funeral laws of Ioulis on Keos, and a few parts of the Gortyn code. The most extensive texts are the funeral laws from Delphi and Ioulis. The Ioulis inscription is dated to the end of the fifth century, the one from Delphi around 400 but parts of it go back to an earlier date. Both contain texts, however, that are much older and were collected in the final inscription. Editing of older laws seems to have occurred on a wide scale in Greece by the end of the fifth century. Apparently such ancient laws were still valid but also, precisely because they were still relevant, in need of preservation and adaptation. Whereas at Athens this revision was partly motivated by political events, the text from Ioulis suggests that with the editing of the texts the amounts of money mentioned were updated to current levels in coined money. The same happened in the new edition of Solon's laws,[40] and in the Delphi-regulation this may have been the case as well, considering that beside the amounts mentioned in the fragment on funerals, the oldest parts mention a fine of one obol.[41] To the meaning of these amounts of money I shall return later.

Among the regulations quoted in fr. 1, the guidelines to hold a *prothesis* inside the house and to conduct the *ekphora* the next day before sunrise are all changes to previous customs. Earlier texts, particularly epic, and visual representations indicate that in Geometric and early archaic Greece the *prothesis* would last several days and was usually held

[38] For the conditions for such a qualification, see Scafuro's contribution to this volume.

[39] For the same point of view, see Toher (1991) 162; Seaford (1994) 75.

[40] The Solonian laws ruled a fine of 3 and 2 drachmae for insult (Rusch. F 32 b; above, fr. 2b), the laws of Euclides of 403 ruled fines of 300 and 200 drachmae (Rusch. F 32 and 33); for a magistrate's neglect of duty a fine of 100 drachmae in Solon (Rusch. F 65), around 450 such neglect was punished with fines ranging from 1000 to 10.000 drachmae; Ruschenbusch (1966) 36–37. For the role of fines in the estimation of dates, see Scafuro in this volume.

[41] Koerner (1993) no. 46, D 16.

outside the house, and that the *ekphora* took place by daytime.[42] Likewise the number of mourners, at least at elite funerals, is extensive in the earlier material, while the Solonian law restricted the attendance of female mourners to kinswomen and women over sixty years if non-kin. Similar rules were set in Ioulis.

The earliest section of the Delphi regulation has been dated to the second half of the sixth century; other sections, including the one on funerals, may be as old or slightly later.[43] The dates of the various parts of the Ioulis text are hard if not impossible to establish. The similarities between the Ioulis-regulation and the Solonian ones have induced several historians to assume Athenian influence on Keos, which would point to the era of the Delian League, but this is not necessarily the case and the Ioulis text might well predate such conditions.[44] There are also similarities between Delphi and Ioulis, however, and influence of the Labyadai of Delphi on Keos is out of the question. We may better explain the similarities within this entire group of funerary texts by observing that from the late seventh to the fifth century many Greek *poleis* were concerned with funerary behaviour in a way which led to comparable measures because they responded to similar funerary practices and tied in with similar attitudes toward death. The literary evidence, including legends, dates from the late seventh century to the fourth century. The epigraphical evidence ranges between the second half of the sixth century to ca. 400 BC. The most likely chronological order of the relevant funeral regulations is: Solonian laws, Delphi, Gortyn, and Ioulis, ranging from the early sixth to the mid-fifth century. The so-called *post aliquanto*-law, issued 'somewhat later' than Solon's laws according to Cicero (*De leg.* 2, 64; fr. 3 c) will be discussed separately (see Appendix), as will be the question whether or to what extent ca. 400 is a relevant caesura.

On these conditions, the Pseudo-Demosthenes-fragment (fr. 1) can be analysed more clearly. Comparison shows its similarities with the Delphi-text including laying down rules for the *prothesis* and the *ekphora*, listing the closest kin affected by the death and regulating offerings. The same issues recur in the Ioulis-text and closely resembling phrasing

[42] Garland (1985) 26–30, 31–34; Sourvinou-Inwood (1983) 36–43; Shapiro (1991) 630–631, all with references.

[43] Rougemont (1974) 154; *CID* I 9 bis, 86–88 (Rougemont); Koerner (1993) 143–144.

[44] Influence of Athens on Ioulis: Seaford (1994) 77, and n. 14 with further ref.; *IJG* I, 14; Parker (1983) 34–35; contra: Koerner (1993) 222; Frisone (2000) 62, who points out that the first part of the Ioulis law refers to and is based on traditional *nomoi*.

connects the Pseudo-Demosthenes-fragment with the Ioulis-text even more strongly.[45] In sum, both the contents and the words of fr. 1 point to a date before the fourth century and probably even earlier. In combination with the tradition on funerary regulations by Solon, attested in fr. 2 to 6 and in the latter case even with reference to an axon,[46] a Solonian kernel in fr. 1 seems highly probable.[47]

Cicero in his treatise on laws (fr. 3) compares the Roman Twelve Tables of the mid-fifth century with Solon's laws, and on the latter used a text by Demetrius of Phaleron, who by the end of the fourth century had supported his own views and decrees on sober funerary monuments with references to "ancient" laws of Cecrops and Solon. Demetrius very likely had used the Aristotelian commentaries on Solon's laws,[48] and Plutarch in his *Life of Solon* probably used all these texts.[49] Because of the Aristotelian background and the availability of Solon's laws in the fourth century, this series of references is generally considered a reliable tradition. The fact that it is extremely unlikely that the Twelve Tables were really modelled after Solon's laws does not impel us to cast Cicero's testimony away altogether, but we should be aware that his is a very indirect reference to the Solonian corpus.[50] Moreover, Cicero and Plutarch incorporated the references in their texts so intricately that the texture needs to be disentangled exactly to recover the Solonian threads. The specific details as framed in actual words and the setting of moralizing explanation and justification are certainly not Solonian. Cicero's notion of a literal quote (fr. 3c)

[45] Dem. 43.62: μηδ'εἰς τὰ τοῦ ἀποθανόντος εἰσιέναι, ἐπειδὰν ἐξενεχθῇ ὁ νέκυς, γυναῖκα μηδεμίαν πλὴν ὅσαι ἐντὸς ἀνεψιαδῶν εἰσίν. Ioulis l. 23–29: ὅπου ἂν θάνηι, ἐπὴν ἐξενιχθεῖ, μὲ ἰέναι γυναῖκας πρὸς τὴν οἰκίην ἄλλας ἒ τὰς μιαινομένας [follows a list, see main text] παῖδας δὲ τῶν θυγατρῶν κἀνεψιῶν..

[46] The registration of arrangements for the Genesia on an axon is actually the only evidence predating the fourth century of Solon's involvement with funerary matters. Jacoby cautiously observes that Solon need not have made a special regulation on the Genesia, but that the name may only have figured on a festival calendar, yet in the entire historical context Solon's involvement with the Genesia is highly probable; Jacoby (1944a) 68–69; Parker (1996) 48–49.

[47] For the conditions to qualify as a 'Solonian kernel', see Scafuro's contribution.

[48] On these commentaries Ruschenbusch (1966) 40–42; Stupperich (1977) 201; and Scafuro and Rhodes in this volume.

[49] See De Blois' contribution to this volume.

[50] Despite some parallels in phrasing between the Greek and Roman funerary legislations such as 'do not …', a connection between the Twelve Tables and Solon's laws appears to be Cicero's own idea; Siewert (1978) 332–338; Dyck (2004), ad loc. II, 59, 402–403.

is clearly not what we would consider such a quote to be: Solon could hardly have used the Latin word *lessus*. Cicero's trust in the existence of "Cecrops' laws" suggests an Atthidographic source of the fourth century,[51] and his quotes from the Twelve Tables are obviously Roman in outlook and phrasing. The idea that intense grief as such was undesirable and that restraint in grief were a virtue to be strived for by a self-respecting individual and by the ideal statesman, gives voice to philosophical principles on virtuous self-restraint shared by Demetrius, Cicero, and Plutarch.[52] This notion is fundamentally different from the concrete limits posed on the expression of grief by the archaic laws. The texts reveal clearly that the explanatory comments on restriction of grief and limitation of funeral expense have all been added by the three later authors to the quotes from the archaic laws.

Fr. 3 begins with a quote from the Twelve Tables, 'do not smooth the pyre with an axe'. The next quote—'three veils, a purple tunic, and ten pipe players'—probably refers to the *prothesis* for the shrouds and to the *ekphora* for the pipe players. Three veils were quite common for laying out a corpse in Greece: the *endyma*, the *epiblêma* and the *strôma* are most often mentioned (Ioulis mentions precisely these, Delphi a *strôma* and a *chlainê*); the colours are usually defined as 'light'. Wrapping and covering the corpse with such pieces of cloth was a Greek tradition from Homer onwards; the shrouds would be burned or buried with the body. This ritual paralleled the care given to a guest (washing and offering new, homemade clothes including a *chlainê*) which helped the person involved to acquire a new identity in new surroundings while at the same time establishing a bond between the giving and the receiving party.[53] The pieces of woven cloth thus were essential gifts in a ritual of transition. According to fr. 1, Solon made no further regulations for the *prothesis*. The purple tunic, then, must be a Roman rather than a Greek element.[54] The ten pipe players are doubtlessly a Roman feature. Scarce written and iconographical evidence indicates that a pipe could

[51] Parker (1987) 197–198.

[52] Cf. Plut. *Sol.* 3, where Plutarch deplores that Solon in his poems 'speaks of pleasure with more freedom than becomes a philosopher .. this is thought to be due to his mercantile life..'. See also Morris (1992-3) 36–37; on Demetrius' policy, Gehrke (1978).

[53] Wagner-Hasel (2000) 214.

[54] Purple cloth could be used for the corpse in pre-archaic Greece as well (e.g. Hector's body is covered in a purple *peplos* in *Il.* 24.796), and a prohibition of purple might be included in the restriction of grave-gifts; yet the reference seems to be to Roman practices in the first place; Dyck (2004) ad loc. 2, 59, 404.

accompany the *thrênos*, the formal lament, but its role was modest, while one or several were indispensable at most sacrifices.[55] The elements mentioned in fr. 3 b (*De Leg.* 2, 60) are clearly Roman.[56] In fact, Cicero confirms (fr. 3c) that Solon only mentioned the 'three veils', even if we still need to clarify what is 'most of the rest'. It is Cicero who adds that the regulations have to do with limiting expense. Limitation on mourning is clearly indicated in the phrase: 'women shall not tear their cheeks, nor have a *lessus* at a funeral' (fr. 3a and c). Here Cicero adds the moral observation that there should be no difference between rich and poor in death, with a reference to philosophical ideas on nature. Moreover, his sources Demetrius and the Twelve Tables both indicated the prohibition on women's wailing at the funeral, set in a context of restrictions on excessive mourning.

Plutarch (fr. 5) discusses several of Solon's decrees by arranging them through association, going from women's outdoor movements to the behaviour of women and men at funerals and finally to men's behaviour only. All these lead him to the office of the *gynaikonomos*, an official known from the later fourth century whose duties in Athens were defined by Demetrius of Phaleron and who was still an influential figure in Plutarch's time.[57] The *gynaikonomos* had to supervise women's actions in groups outside the house, a supervision intended to protect women by seeing to the proper gender separation, but extending into a control of the behaviour of both sexes at funerals, marriages, festivals and other outdoor gatherings. The first lines of the fragment clearly refer to several occasions of women's outdoor movements, festivals and processions to which the offering baskets would belong and which could also serve at funeral processions. A prohibition on travelling at night makes no sense in connection with funerals, as Solon ruled that the *ekphora* take place before sunrise, and wagons with a lamp are absent from depictions of the *ekphora*.[58] As for the restrictions on women's clothing to three garments, one wonders if Plutarch or his source copied this rule erroneously from the rules for the decking out of the corpse or that the restriction in fact occurred in both decrees and

[55] On the pipe player with *thrênoi*, Reiner (1938) 67–69; pipes at sacrifices Graf (2002) 117.

[56] Dyck (2004) ad loc. II, 60, 406–408.

[57] Schnurr-Redford (1996) ch. III.

[58] Similar assessment in Toher (1991) 162; opposite view in Alexiou (2002) 15; Garland (1989) 3 without further explanation turns the wagon-clause into: 'mourners were not to go out at night except in the funeral cart with a light to show the way'.

led Plutarch to discuss all these regulations in one single paragraph.[59] Clothing regulations in ancient Greece were all directly connected to cultic situations, and were applied more strictly to women than to men.[60] This fact exemplifies the difference between reticence in clothing during religious acts in public, where women had special responsibilities, and ritual gift-giving to the dead, male and female, with a view to accommodation in the underworld.

At all events, Plutarch refers to control of mourning behaviour, namely lacerating the cheeks, a practice typical of women which may have its origins in a blood-sacrifice for the dead,[61] and the singing of precomposed *thrênoi*. Although the roles of women and men in burial rites were strictly separated, it is not easy to connect the different types of lament unequivocally to each gender. *Thrênos* as a generic word can include *goos*, but the types of lament are different.[62] In Homeric and archaic usage, the *goos* was fierce and personal and performed especially by kinswomen, but men also wept and lamented. The *thrênos* was a more structured and composed lament, sometimes accompanied by an instrument. Such dirges, praising the dead and bewailing his or her loss to the community, were often but not exclusively sung by men.[63] According to Alexiou, the terms *goos* and *thrênos* became more or less interchangeable in the classical era, especially in tragedy, but 'the older distinctions are partially retained in the later scholarly definitions of *thrênos* as a lament for the dead which contains praise, sung before or after burial or on various occasions for mourning at the tombs'.[64] The regulations of Delphi and Ioulis went even further requiring silence

[59] See also Toher (1991) 162–163. The three garments recur in Solon's regulation on dowries (Plut. *Sol.* 20, 4). Three garments seem to have been considered a basic decent outfit for an adult human being in Athens; the regulations from Andania (Sokolowski *LSCG* no. 65; 92 BC) limit women's clothing in a strictly cultic context to two.

[60] Mills (1987) offers a nice overview of the material, but erroneously classifies funerals as a primarily profane activity, although her own criteria make clear that funerals fit perfectly in her model of cultic events.

[61] Men beat their heads in grief, even Solon himself did so, according to an anecdote told by Plut. *Sol.* 6. On the possible origins of lacerating the cheeks in a blood-sacrifice, Dyck (2004) ad loc. 2, 59, 404 with a reference to F. Cumont, *Afterlife in Roman Paganism* (New Haven 1922); non vidi.

[62] Reiner (1938) 2–7; Johnston (1999) 100–102.

[63] Reiner (1938) 8ff, 53–59, 61; Alexiou (2002) 7–17, 102–103, who also mention professional mourners. The 'commemoration of the praiseworthy deeds of the deceased' (fr. 3c; *De Leg.* 2, 63) may also refer to the *thrênos*.

[64] Alexiou (2002) 103.

during the *ekphora*. Delphi emphasizes the prohibition of wailing outside the house and at the graves of those buried before. The prohibition on the *thrênos* may be interpreted in the same fashion, that is as a prohibition on wailing after the *prothesis*, either during the *ekphora* or at the grave. This prohibition on *thrênoi* outside the house must have applied to both male and female mourners. Wailing at the graves of others was prohibited anyway. It is interesting to note that the episode of Epimenides (fr. 4) bestows the responsibility for the restricted mourning behaviour on the Cretan rather than on Solon himself.

The three shrouds mentioned by Plutarch (fr. 5) as the maximum grave gift are paralleled by similar limitations in Delphi and Ioulis, although the details are different. The verbs used by Plutarch (*syntithenai*) and in Delphi (*entithenai*) underscore what is clear implicitly in the Ioulis regulation, that all these concern gifts put into the grave with the corpse.[65]

Comparison of Ps. Demosthenes, Cicero and Plutarch gives the following results for these sections of the Solonian funerary laws:

Fr.1 [Demosthenes]	Fr. 3 Cicero	Fr. 5 Plut. *Solon* 21	conclusion
prothesis inside the house in any fashion one wishes	*prothesis* in not more than three shrouds	not more than three shrouds as a grave gift	inside, not more than three shrouds, which are both the veils of the *prothesis* and the grave gift
	women should not tear their cheeks	women should not tear their cheeks	women should not tear their cheeks
	women should not wail (*lessus*) at the funeral	**men and women** should not wail (*thrênos*)	prohibition on the *thrênos* after the *prothesis* (women and men continued to wail at the *prothesis*)

[65] One regulation of Gortyn, dating to the fifth century, also specifies the value of gifts: 'When a man or a woman wants to give *komistra*-gifts, (this should be) clothing or 12 staters or a personal property (*kreos*) of 12 staters, but not more': *ICret.* IV 72 III, 37; Koerner (1993) no. 167, with full bibliography. Opinion differs on whether *komistra* are grave-gifts or some other kind; grave-gifts: Bruck (1926) 94–96; discussion in Koerner (1993) 482ff., Toher (1991) 168–169 and n. 40; Frisone (2000) does not include this regulation and thus implicitly does not regard the *komistra* as grave-gifts. The word *komistra* carries the connotation of a reward for obligations (*LSJ* s.v. κόμιστρον; usually in plur.). Dyck (2004) 2, 59, 404, likewise argues that the three garments are gifts put into the grave, not a limitation on women's clothing.

	graves (of others) should not be damaged or interfered with	no bewailing of others; graves of others should not be visited	no lamenting at graves of others, no interference with other dead; graves should not be disturbed

A Solonian kernel in the prohibition to speak ill of the dead (fr. 2) seems problematic. The phrase 'One should not speak ill of the dead' (fr. 2a) hardly fits a list of regulations, but instead resembles the kind of general sayings (*gnômai*) so popular in archaic society and often attributed to the Seven Sages.[66] Sourvinou-Inwood has argued that the admonition 'do not speak ill of the dead' fits the changing attitude toward the dead in the later archaic age, 'which involved on the one hand the desire to distance oneself from death's physical reality, and on the other enhanced concern for the survival of one's memory'.[67] The clause that one should not do so even if one heard oneself spoken ill of by the dead man's children, provides a colourful detail. Plutarch (fr. 2b) adds precisely such elucidations on decency in verbal behaviour as could be expected in his *Lives*.[68] The broader prohibition to speak ill of the living in public places includes a reference to the *dikastêria*, an institution that surely did not yet exist in Solon's time, but the word may be used anachronistically for the archaic *(h)eliaia*.[69] The fragment itself has the backing of the Aristotle-Cicero-Plutarch tradition and includes an historically adequate fine. For these reasons Ruschenbusch has classified the fragments as genuine, though not as part of the funerary regulations but in a section "*Verbalinjurien*". It remains difficult to decide just what was a generally growing sense of obligation and what may have been Solon's contribution.[70] At all events, in the early sixth century the saying "do not speak ill of the dead" appears to have been a recently emerging social prescription of which the Athenians needed to be reminded.

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[66] Cf. Martin (1993) 118: 'Given the emphasis on verbal skill (in the characterization of the Sages, JB), it is not surprising to find sayings that tell one how to behave verbally'.

[67] Sourvinou-Inwood (1995) 369–372, esp. 370.

[68] On the purpose of the *Lives*, see De Blois' contribution to this volume.

[69] Cf. Rhodes' contribution to this volume.

[70] For similar admonitions of roughly the same time, Archilochus fr. 134 and Friedländer (1987) Funeral Epigram nr. 186.

Solon's funerary laws: an outline

All fragments taken together result in the following rules reflecting Solon's regulations on the dead:

a. the *prothesis* must take place inside the house (no further regulations).
b. the *ekphora* is to take place the next day before sunrise.
c. the corpse is to be decked out with no more than three pieces of cloth, which may be buried with the corpse as a grave gift.
d. during the *ekphora*, the men are to walk in front, the women in the rear.
e. no woman is to enter the house of the deceased and to be part of the *ekphora* who is under sixty years, except women who are close relatives within the degree of second cousin.
f. no woman is to enter the house of the deceased after the *ekphora* except women who are close relatives within the degree of second cousins.
g. men nor women are to inflict wounds on themselves or indulge in other excesses of grief in mourning.
h. there shall be no singing of dirges (*thrênoi*) and no lamenting at other graves.
i. no sacrifice (*enagizein*) of an ox at the grave.
j. no grave is to be disturbed nor the body of a stranger put into it.
k. deceased kin is to be mourned at the Genesia.
x. one should not speak ill of the dead.[71]

A few conclusions can be drawn from this list. Solon's funerary regulations put no limit on expense. The only rules with respect to valuables were the restriction to three shrouds, the regular number of shrouds in Greek burials, and possibly the prohibition of an ox sacrifice, although it is not yet clear if this prohibition has anything to do with the value of the ox or is due to other reasons. In Delphi and Ioulis, maximum prices are mentioned, while Delphi explicitly states that this concerns the value of goods put inside the grave. In Ioulis the restriction is even stronger, because only the wine and the oil remain in the grave while the plaids (with maximum value), the bier and the vessels are to be taken home. Solon's law too indicated the three shrouds as grave gifts.

[71] As this concerns a general admonition, not a regulation in the strict sense, it has been numbered separately.

What are we to make of these limits on expense? In Ioulis the shrouds should not exceed 100 drachmae, in Delphi grave gifts no more than 35 drachmae.[72] According to Plutarch, Solon included a list of prices on *axon* no. 16, listing a sheep and a drachma and a medimne as equivalents. This indicates a much higher value for the drachma in Solon's time than in classical Athens, and even more so than in Plutarch's time, as the latter observed.[73] As Athens in the first half of the sixth century used weighed silver (and exchange in kind) before the use of coined money, comparisons between earlier and later drachmae are complicated.[74] Opinions also differ as to what the sums mentioned refer to, either to sacrificial animals or to property as such or to fines.[75] In the classical era the average price for sacrificial animals, which had to be of high quality, ranged from 40 to 90 drachmae for cattle, 10 to 17 drachmae for sheep, and 20 to 40 drachmae for pigs; young animals were much cheaper, 3 to 4 drachmae. The value of an ox for sacrifice was approximately five times that of sheep and large cattle had a high display-value as sacrificial animals.[76] If in the early sixth century the relative value of oxen against sheep was roughly the same as in the fifth and fourth, an ox was equivalent to 5 drachmae or 5 medimnae, in other words just 1% of the census-wealth of the highest property-class. If the supposition is correct that the 100 drachmae in late fifth-century Ioulis entail an update in prices, comparable to similar updates in Athens which seem to be approximately a tenfold increase from the sixth to the fifth centuries,[77] the early maximum price could have been around 10 drachmae in the late sixth and several times that amount

[72] The maximum price in Gortyn of no more than 12 staters stated for gifts by husband and wife, either in cloth or in other personal property or in coins, in the Gortyn code recall this type of regulation.

[73] Rusch. T 8, Martina 539 = Plut. *Sol.* 23, 1. Schaps (2004) 238 points out that in the sixth century the medimne, not the drachma would have been the default standard.

[74] On the movement from weighed silver to coins, which gives some basis to sixth century 'drachmae' as silver weight measures: Kroll (1998). I do not agree, therefore, with Osborne (1996) 222–223, who doubts any 'law' by Solon mentioning prices in drachmae.

[75] Sacrificial animals, as Plutarch understood Demetrius to have said, have inspired the emendation *thysiôn* for *ousiôn*, Ruschenbusch (1966) F 77 plus comm.; property: Kroll (1998) 226; fines: Schaps (2004) 238.

[76] van Straten (1995) 170–181; prices on 176–177.

[77] Compare the prices of sheep, but also the amounts of fines; in fines imposed by the *dêmos*, however, temporary indignation could affect amounts of money out of any proportion: see above note 40. The influx of silver from Laureion after 483 must have caused additional inflation.

in the mid-fifth century—compare with the 35 drachmae of Delphi. Yet we should not forget that in Athens 100 drachmae in the mid-fifth century amounted to 100 days of labour for a skilled worker. It would pay for a first class bovine or five to six sheep fit for communal sacrifice in average Athenian prices. The sum was considerable even for the wealthier classes.[78] If the supposition is wrong, and 100 drachmae were the original maximum in the earlier fifth century, the sum would be even more impressive. For those who counted their property in talents, however, 100 drachmae was obviously a trifle.[79] All sums mentioned would still allow for moderate to generous spending on grave goods, dependent on the wealth of the donors.

Solon set no limits in value in terms of drachmae, but the restriction consisted in the number of shrouds.[80] Such pieces of cloth were usually made at home—the basis of a worth which entailed pre-market values including the status of the *oikos* who made them and the concomitant exchange in kind.[81] The special value of such woven garments between guest-friends and in relation with the dead was a traditional feature of this type of exchange. The unit of value in Solon's day was foremost the medimne of grain, that could be balanced against a drachma of silver, as indicated in his list of prices for sacrificial animals.[82] Unlike sacrificial animals, however, which were for the major part a public commodity, funerary shrouds were in the first and last resort a private matter. The absence of an exchange value in weighed silver indicates that in precisely this respect Solon's regulation reflected the era before the exchange in silver, first as weighed measures and next in coined

[78] Such is also the conclusion of Frisone (2000) 57–102. The general view that in the later fifth and fourth centuries an average tombstele with inscription would be affordable only to the wealthier classes has been challenged by Nielsen (1989), who argues that even poorer Athenians could afford such a monument; Nielsen's viewpoint meanwhile has been refuted again in favour of the consensus by Oliver (2000). The maximum costs in Plato's *Laws* of the mid-fourth century would pay for a fine burial for the lowest class (a modest stele would cost between 10 to 20 drachmae, epigram not included) and for a relatively sober one for the wealthy.

[79] The 12 staters from Gortyn would amount to ca. 25 drachmae, if this sum concerns silver staters according to the Aeginetan standard. However, if they refer to gold staters, according to the exchange rate calculated by Kraay (1976) 312 n. 2, quoted in Schaps (2004) 97 n. 22, that one ninety-sixth of a stater was equivalent to roughly two obols, this would amount to 384 Athenian drachmae—too much to be credible.

[80] Also observed by Dyck (2004) ad loc. 2, 59, 404.

[81] A concise description of this type of value exchange in Schaps (2004) 63–88; an extensive analysis in Wagner-Hasel (2000).

[82] Schaps (2004) 237–238.

money, affected *oikos*-based values. The regulations of Delphi originated at least half a century later, when both types of value—in terms of home-made kind and in market-based silver—had become current and grave goods 'either bought or from home' would be rendered in an equivalent in drachmae.

Archaeological evidence

Excavations of cemeteries indicate where and how people were buried, and what kind of people were buried. The extant graves in the Kerameikos of the seventh and the sixth centuries, the historical background to Solon's laws, contain the 25% most prominent members of Athenian society, buried in such a way as to emphasize gender, status and age (children were buried separately) rather than family connections.[83] These are the graves of the elite, whose wealth and competitive lifestyle deeply influenced the social and political relations among the Athenians.[84] Burial practice included the so-called *Opferrinne* (offering trench)-ceremony at adult, predominantly male burials, that is the ritual breaking and burning of ceramics, foremost the types belonging to symposia, and sacrificial offerings in a ditch beside the grave. Animal sacrifice took place here as well: the *Opferrinne*-finds include the bones of small domestic animals, notably fowl, that had been killed and burned with the banquet ceramics.[85] Yet neither the ceramics nor the fowl were actually used to hold a banquet—it was a purely symbolic action with symbolic dishes and foodstuffs. The *Opferrinne* is comparable to the *eschara*, the chthonic altar for sacrifice to the underworld-powers, heroes and the dead. The sacrificial burning took place while the grave was still open, and the gifts were not an offering *to* the dead but, as Houby-Nielsen puts it, 'rather a material expression of a quality *of* the dead'.[86] The gifts represented

[83] D'Onofrio (1993); Houby-Nielsen (1992); Houby-Nielsen (1995); Houby-Nielsen (1996); Kistler (1998); Kurtz & Boardman (1971); Morris (1987); Morris (1989); Morris (1992); Morris (1998); Papadopoulos (1993); Sourvinou-Inwood (1995); the main archaeological publications offer full references, including to the excavation-reports of the Kerameikos.

[84] See the contributions of Bintliff, Forsdyke and Van Wees to this volume.

[85] An overview of all *Opferrinne*-finds in Kistler (1998) 181–209. He discusses eight *Opferrinne*-burials in the strict sense and seven burials with burned offerings in offering places, all dating from LG IIb tot 625 BC.

[86] Houby-Nielsen (1996) 49; cf. Kurtz & Boardman (1971) 75–77.

the deceased's position in society by status and gender, men foremost with banqueting utensils, women with mirrors, cosmetics and jewellery.

Although the *Opferrinne* gradually ceased to be used in the first half of the sixth century, places where gifts could be offered near the graves continue to be used from the seventh throughout the sixth, thus allowing a longer-term overview of burial behaviour. The number of adult graves gradually increased. The kind of grave gifts changed between 575 and 550 BC: whereas the quantity of banqueting material declined strongly, utensils for personal adornment (perfume bottles) increased in even larger numbers.[87] More changes occurred around 560. Inhumation gradually was preferred to cremation for adult interment. Large tumuli with several burials of same-sex persons, which had been rather common in the earlier centuries, now became exceptions to a rule of smaller graves for families and for individuals.[88] But these tumuli were built on an even grander scale than those of the seventh and early sixth century.[89] Individual graves were now adorned with free standing sculptures such as *kouroi* and *kourai* which drew the attention of the viewer to the dead person they represented,[90] and with ornamented stelae, to which after ca. 550 epigrams were added on the social personality of the deceased and on the memory the monument was to keep alive.[91] The grouping of the dead (with the exception of the tumuli) thus shifted from social categories on a communal scale (status, gender) towards a priority for the family.[92] Responsibility for the burial as a whole shifted towards the family as well,[93] a tendency already discussed regarding the written evidence such as the law of Gortyn (fr. 9) and underscored by legal evidence such as fr. 1, where someone's presence at a funeral served as proof that he or she was close-kin and therefore a potential heir.[94]

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[87] For tables, Houby-Nielsen (1996) 48.

[88] For full description of all graves Houby-Nielsen (1995); a fine example of one grave of ca. 530, where the Exekias-plaques were found, Mommsen (1997) 8–11.

[89] Müller (1993) 68.

[90] Osborne (1994); on the changes in archaic grave monuments in general: Sourvinou-Inwood (1995) 140–297.

[91] On the roles of epigrams: D'Onofrio (1993); Humphreys (1983); Sourvinou-Inwood (1995) ch. 6.

[92] Houby-Nielsen (1995) disagrees with Humphreys (1983), who assumes more family groupings in early archaic graves than the first.

[93] Humphreys (1983); Sourvinou-Inwood (1983); Sourvinou-Inwood (1995).

[94] Garland (1985) 28; Humphreys (1983).

The archaeological evidence as a whole demonstrates that significant changes regarding the graves, their location, their contents and their construction occurred approximately 30 years after Solon's funerary laws. These changes had to do with kind and quality, not with size and splendour. For this reason, Houby-Nielsen thinks that the laws were applied only during Pisistratus' tyranny.[95] Morris draws a more radical conclusion, which also situates the case of the *post aliquanto*-law in a much wider context: clear tendencies in burial behaviour regarding display of objects and in funerary art cannot be related to Solon's funeral laws or any other early funeral legislation.[96] The funerary laws for which there is more or less firm and datable evidence, namely Solon's, Delphi's and Ioulis', are not at all concerned with the size or shape of tombs. Conversely, in the sixth and fifth centuries tombs and funerary monuments change significantly, on scales ranging from monumental splendour to near disappearance, and from sculpture and epigrams for individuals to communal war graves, all over Greece, without any manifest law to account for these changes. Morris' conclusion, with which I agree on the grounds of my own investigations, is valid for archaic and classical Greece in its entirety until the later fourth century—there is simply no connection between chronology, funerary laws and funerary styles. The role of funerary laws must be interpreted in a different way, a conclusion which also entails a different evaluation of the laws themselves. A more detailed analysis of the archaeological and iconographical evidence will illuminate this conclusion with regard to Solon's funerary laws.

Iconographical evidence

The rich iconographical tradition of funerary scenes from the Geometric to the classical period shows which aspects of death and burial the Athenians valued most to render in lasting, visual material.[97] The iconographical record reveals that the *prothesis*, the laying out of the corpse on the bier and the lamenting by male and female bystanders, ranked highest as a topic for representation and commemoration. The

[95] Houby-Nielsen (1995) 158.
[96] Morris (1992-93).
[97] Boardman (1955); Kurtz & Boardman (1971); Kurtz (1984); Mommsen (1997); Morris (1992-3); Shapiro (1991); Van Wees (1998); Sourvinou-Inwood (1995).

next would be the *ekphora*, the procession towards the grave, but its frequency cannot match that of the *prothesis*.[98] There is a clear continuity in these scenes from Geometric throughout Attic black-figure and red-figure painting. After ca. 400, however, the *prothesis*-scenes disappear from Attic vase painting. The tomb is rarely depicted in sixth century art,[99] but is a familiar topic on classical white-ground *lekythoi*.[100] Some parts of the funerary rites are not depicted at all, such as the sacrifice and ceremonial meal before or after the funeral.[101] The iconographical material thus selectively reflects the funerary rites before the actual interment and is close to the funerary laws as both refer to the same setting and events. In connection with the meaning and effect of Solon's laws, sixth century black-figure vase- and plaque-paintings are the most relevant.

The *prothesis*-scenes confirm the literary evidence in many respects. The paintings on vases and plaques show women and men performing clearly distinct behaviour, as was normal, the men beating their heads and the women tearing their hair in mourning and lacerating their cheeks.[102] Women are standing close to the corpse, touching and taking care of it and often caressing the dead person. The women are relatives, rather than professional mourners.[103] The corpse is clad in a shroud, the head lies on a pillow. Both sexes are involved in singing, which as we saw would be the *goos*, the personal, private lament by women and the *thrênos*, commemorating the deceased's position in society and the loss to the community, usually sung by men. Often the men (and rarely the women) make a gesture with a raised hand, possibly a farewell gesture but certainly connected with the men's singing, who form a chorus and are shown with their mouths opened as if to suggest the sound of the

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[98] Shapiro (1991) 630–631.

[99] An unusual group of vases from around 500 shows the *ekphora* to the tomb, but this may have been a group intended for the Etruscan market, Kurtz (1984) 321; plus an exceptional vase by the Sappho Painter, Kurtz (1984) 325.

[100] Oakley (2003).

[101] The moment of the meal varies according to time and place, either before (at Athens) or after (in Ioulis) the funeral, cf. Humphreys (1983) 87 and n. 8.

[102] Kurtz (1984) 324; Shapiro (1991) 631. Lacerating cheeks is a common theme in early archaic scenes, but becomes more rare in the sixth century. A detailed analysis of the iconography of mourning behaviour Van Wees (1998).

[103] See e.g. the Attic black-figure phormiskos in the Kerameikos Museum by the Sappho Painter, who names them 'mother, aunt, sister' and so on; Kurtz (1984) 324; an Attic black-figure lekythos and one loutrophoros naming the mother: Boardman (1955) nr. 28 and 29.

thrênos.[104] From ca. 530, men and women are depicted separately on the *loutrophoroi*, the most common vase for funerary use, the women exclusively caring for the corpse on the one side, the men with their mourning gestures on the other.[105] This fits well with changes within the general pattern in the course of the sixth century: the depicted mourning behaviour is less varied than in the Geometric and proto-Attic representations, the number of mourners declines and women and men are more strictly separated.[106]

Black-figure representations of the *ekphora* show escorts of men on horseback, often dressed in Thracian attire—a clear reference to groups of well-to-do men. The riders often use the farewell-gesture.[107] A few *ekphora*-scenes include a wagon or cart. On separate friezes chariots and actual chariot races are depicted, belonging not to the *ekphora* but to events after the funeral.[108] A group of black-figure *loutrophoroi* offer scenes of funeral games such as wrestling; such scenes are always connected with male dead. These scenes clearly indicate the heroization of the dead in epic fashion, in keeping with the general enthusiasm for Homeric epic and the heroic lifestyle well-known of the sixth century elite. Shapiro takes these scenes to be a sign of nostalgia rather than a depiction of contemporary reality, because 'such games were forbidden in the sixth century by the Solonian or later legislation aimed at curtailing the ostentation of aristocratic funerals'.[109] Since no such prohibition was part of Solon's or any other funeral law of the time, however, there is no reason to isolate these scenes from the other funerary scenes in this corpus. We may regard them as an indication that funeral games and chariot races—if not on the scale of those for Patroclus and probably only occasionally—were held in honour of aristocratic male dead.

Preliminary conclusions

If in Solon's time funerals were used to rouse political loyalties through display of wealth and if the purpose of his laws was to obstruct such practices, we might expect that the number of male participants and

[104] Kurtz (1984) 326; Shapiro (1991) 635–636; Mommsen (1997) 19.
[105] Mommsen (1997) 15–19.
[106] Mommsen (1997) 17–18; Van Wees (1998) 33–44.
[107] Mommsen (1997) 21–22.
[108] Kurtz (1984) 326.
[109] Shapiro (1991) 641–642.

the expense on funerals were restricted rigorously. However, this is not the case. The focus of political loyalties would have been deceased men, rather than women; the majority of the elite burials in this period are in fact those of men. Yet the regulations seem to have been valid for the funerals of both men and women. Likewise, no limit is set upon the attendance of men, at least not in number.[110] That the laws did not prevent the gathering of kin and followers around the grave is confirmed by the *Opferrinne*-ceremonies and the grave offerings. Conspicuous display was not limited either. Three pieces of clothing were normal for laying out a corpse. Solon did not impose a limit on expenses on grave goods beyond this number of shrouds, nor on any other element of the funeral. In Ioulis and in Delphi the amounts in drachmae mentioned in the extant inscriptions may be later adaptations, but the values must have been considerable. It is important to note that all these maximum values concern gifts to the dead to be left in the grave, not the splendour of the funeral itself. Conversely, the prohibition of the ox-sacrifice could hardly be intended to limit extravagant expense by the wealthiest classes. No limits were imposed on the costs of other sacrificial offerings nor on the grave monument, a fact corroborated by the archaeological evidence. Nor were costs or loyalties restricted for the funeral cortège, as indicated by the black-figure representations of the *ekphora* with their male choruses and escorts of men on horseback. Nor were professional mourning-women prohibited: the regulations allowed women over sixty to be present in any number or fashion they liked. Nor was a *prosphagion* before the *ekphora* prohibited (in Ioulis, is was obligatory), and neither was a sacrifice plus meal after the funeral. Even chariot races and funeral games seem occasionally to have taken place. In sum, if Solon's intention had really been to curb the ostentatious use of wealth for and the political employment of funerals, he could hardly have been less effective.

We may note that the idea that early funerary laws were intended to limit expenses on funerals only emerges by the end of the fourth century at the earliest, if we assume with good reason that such was the belief of Demetrius of Phaleron. Next, this idea became an explanation of funerary legislation voiced by Cicero and Plutarch. Yet none of the early decrees says anything of the kind and only pose a limit on (the value of) the goods put into the grave itself. The same observation

[110] This is also observed by Garland (1989) 3.

is valid with regard to mourning behaviour. A number of traditional practices are prohibited in Solon's laws: self-wounding and singing precomposed *thrênoi*.[111] Likewise, Delphi and Ioulis prescribe silence during the *ekphora*, and interference with other people's graves is forbidden in all three. Obviously, the prohibition on self-wounding restricts extreme mourning behaviour, but neither the reasons for this prohibition nor those for the other regulations are stated in the early laws. That these laws were inspired by the desirability of restricting grief as a virtue has been added, again, by Cicero and Plutarch, who were primarily interested in the potential of these funerary laws to instil the virtues of self-constraint, particularly in women, and in the role of statesmen to bring such virtuous behaviour about. In sum, the current view of the early funerary laws as restrictions on aristocratic display of wealth and political factionism is not supported by the written evidence and contradicted by the archaeological and iconographical material.

The view that these laws were meant to curb the control by women and the family of death rituals is based primarily on the explicit regulation of women's presence at *prothesis* and *ekphora* in Athens, the limitations on excessive mourning and the regulations on women's pollution at Ioulis, plus the subsequent institution of the state funerals at Athens. However, only women under sixty were banned from the funeral unless they were close kin. In fact close kin, especially women, were the people traditionally involved foremost with the burial rites and they remained so, as iconographical material confirms. The written and archaeological evidence together indicates that the family played an increasingly important role; in Gortyn they were explicitly called to their duties. The war dead were a separate category, their common burial possibly originating in earlier, archaic common burial of prominent men. The *patrios nomos* would then be an elaboration of an older tradition, rather than an abrupt change to the detriment of the family.[112] The state burials of the fifth century concerned the war dead only;[113] all other dead remained

[111] André Lardinois points out to me that precomposed *thrênoi* were expensive, comparable to the costly victory odes of Pindar; this prohibition thus would imply a restriction by Solon on the costs of the funeral itself. Yet the requirement of silence at Delphi and Ioulis and the prohibition on wailing rather suggest that it was the absence of lamenting in public rather than the curbing of expense which was also the purpose of Solon's regulation.

[112] Houby-Nielsen (1995).

[113] Families could erect also a private monument for their own dead fallen in war, such as the famous Dexileos-monument of the 390's.

the family's responsibility, an important factor in legal issues concerning inheritances. Grave stelae from the later fifth century onwards focus entirely on the family as the basic unit to which the dead belongs, and men and women were buried together in family plots, with children's graves at the edges.[114] In sum, the combined evidence does not support the view of a structural decline in the control of women and the family of burial rites, on the contrary. Conversely, at Delphi it is the male members of the *phratry* who are restricted in their mourning behaviour and defined in a way, as we shall see, implicating the degree of death pollution. This is an indication that not women, but death pollution was the main focus of the early laws.

Functions of Solon's laws and of other early funerary laws

Since the early Greek funerary laws of the sixth and fifth centuries aimed at regulating behaviour and as some of them also posed limits on some expense, they are often classified as sumptuary laws. Sumptuary laws have been issued incessantly in pre-modern societies. The restrictions on *sumptus* (luxury) were not always meant to instil virtues of self-restraint *per se*—although they could be seen in that light by philosophical or Christian commentators, as we saw above. Instead, they aimed at influencing tendencies in society considered undesirable; that is why they were often issued more than once and usually in vain. The main areas considered in need of regulation in pre-modern societies were funerals, food and clothing. Such laws need to be analysed not on a basis of comparative similarity but of differences; one needs to know which luxury was restricted, for whom and when particularly.[115] Greek laws gave priority to funerals, compared to Roman limitations on dinners (food and guests) and late-Medieval prohibitions on luxurious clothes.[116] Death and funerals, then, were a specially sensitive issue in Greece. The laws of the fourth century restricted funerary expenses

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[114] Morris (1992-3) 39; Osborne (1997).

[115] De Ligt (2002); Engels (1998) yields less insights on this matter because he looks foremost at the similarities instead of the differences between the sumptuary laws of ancient Greece and Rome and pre-modern Europe.

[116] The *priority* given to a topic (funerals, dinners) certainly does not make it *exclusive*; Demetrius of Phaleron also regulated the size of festive dinners and the Twelve Tables included rules about funerals, reputedly taken from Solon's laws, as discussed above, fr. 3.

and the size of tombs, all meant to impress the living, and were therefore truly sumptuary laws. This is not the case, however, with the earlier group of laws. Solon's funerary laws regulated funerals and limited grave goods, as did the laws of Delphi, Ioulis and to some extent Gortyn, but did not limit expense in any significant way.[117] To qualify them as "sumptuary" is therefore unfounded.

Instead, the early funerary laws reveal a common purpose, albeit with differences in details: they regulated the relations between the living and the dead. They did so in three ways: they regulated behaviour at various stages of the funeral, they restricted the (value of) goods put into the grave, and they regulated the sacrifices at the tomb. The three sets of rules reflect two kinds of relations between the living and the dead, which would lead, as Johnston put it succinctly, to two possible responses: to honour and to avert.[118] On the one hand, the dead person evoked personal grief by the sense of loss but also still was felt to belong to kin and friends. The ties between the dead and the living were never entirely severed, as tomb cult kept kin and group allegiance alive.[119] On the other hand, a corpse inspired feelings of a quite different kind. It was a source of pollution which, if not properly handled, could cause various disasters. Since a dead person was felt to remain in touch with the living, more or less directly when still above the ground and via the grave after interment, these vulnerable relations required careful handling. If a deceased was not treated well he was likely to remain restless or worse.[120] We shall look first at the pollution inherent in a case of death, which is testified in written sources throughout the archaic era and the fifth century.[121]

The question what may have inspired the idea of pollution in general has been answered, of course, in many ways, such as by a fear of demons which would be present in polluted objects.[122] In all respects

[117] Shapiro (1991) 630–631 rightly observes that Solon's laws were no sumptuary laws, but he brings limitation on funerary costs in by the back door by supposing that the Pisistratids must have issued such regulations.

[118] Johnston (1999) 36ff.

[119] Humphreys (1983); Johnston (1999); Sourvinou-Inwood (1983); Sourvinou-Inwood (1995).

[120] Johnston (1999) 130: '"being polluted" should be understood, more often than is generally recognized, as the state of having the dead be angry at one'; cf. Burkert (1985) 195.

[121] Most important discussions of death miasma in Alexiou (2002) 5, 16–17; Cole (2004) 92–145; Johnston (1999); Parker (1983); Sourvinou-Inwood (1983); Sourvinou-Inwood (1995); Wächter (1910).

[122] Wächter (1910) 2–3.

the notion of pollution was intimately connected with the sense that categories that should remain separate were temporarily mixed.[123] The right time for the Olympian gods, for purity and successful prayers was the light of day, the sun—conversely, death and impurity should not meet the sun's face; nor could the gods be faced when one was covered with blood or filth.[124] Mourning during the *prothesis* made men and women relatives defile themselves, cutting their hair, scratching their faces, covering themselves with ashes and filth.[125] The miasma of a corpse during burial, where the living and the dead had been in one and the same area and been in touch with one another, required purification (i.e.: separation) before and after the funeral.[126] The next of kin were by definition polluted wherever they were, but others would be contaminated by touching the body or by entering the same space—notably the house of the deceased,[127] but the way passed by the cortège and the graveyard as well. Women were particularly implicated in the effects of miasma because they were physically involved in birth and death and they were generally believed to be more open to outside forces than men.[128] Women of childbearing age were especially vulnerable, since the miasma of death was particularly dangerous to procreation and giving birth.[129] Hesiod warned his audience not to beget children after a funeral, and not to have a boy sit down on a grave—both actions would be catastrophic for good offspring.[130] Conversely, if a miasma had not been treated properly, the entire *polis* might suffer. Disasters would follow, such as a plague, famine or a total end of procreation—in Hesiod's words: 'the men perish, the women do not

[123] In the following paragraph, I follow Parker (1983) 18–48, 52–53, 70, 257ff., 293, 310, 316–317, though not in every detail. Parker (1983) 36 quite unexpectedly rejects the idea that Solon's law was motivated by limiting pollution, in contrast to the one of the Roman emperor Julian, who like Solon decreed that the *ekphora* take place before sunrise, but Parker revises this view in his note 123.

[124] Hes. *Op.* 724–739 West; cf. Burkert (1985) 77.

[125] Burkert (1985) 192.

[126] Burkert (1985) 79; cf. Eur. *Alc.* 98ff.

[127] Eur. *Alc.* 22.

[128] Miasma of birth and death, Cole (2004) 104–108; Parker (1983) ch. 2; Wächter (1910) 25–36, 43–62; in both cases, the entire house was polluted and had to be purified. Outside forces entering a person, particularly women, Padel (1992) ch. 5; Cole (2004) ibidem.

[129] Women of childbearing age, pregnant women and women about to marry more vulnerable to pollution than others, Parker (1983) 49; Cole (2004) 104–113.

[130] *Op.* 735–736, 750–751.

bear children, and the *oikoi* get ruined',[131] an affliction well-known from Sophocles' *Oedipous Rex*.

The law from Ioulis mentions explicitly what appears to be implicit in Solon's regulation. The Ioulis law lists those who are polluted by death miasma and insists on as much separation between pollution and purity, and between more and less pollution as possible.[132] Female relatives, already structurally susceptible to pollution, were more affected by death miasma than their male counterparts because women handled and touched the body. Separation of men and women is required in Ioulis after the funeral; the kin who are to be involved in the burial are clearly defined along the female line but including male offspring. In the Delphi law, pollution is not mentioned explicitly, but we find an outline of kin as a marked group similar to the Ioulis regulation. In Delphi, this group consists in the first place of the members of the household and must have included the women of the family since the male relatives mentioned after the paternal uncles are only related to the dead through the women of the family. The wife, sisters and daughters of the deceased are implicitly present embodying the kinship links between the dead man and the male relatives mentioned in the text. The involvement of the women in the death ritual may have been self-evident, but foremost the Labyadai needed to mention the members of the phratry who were affected by a death beyond the immediate descendants.[133] The object of the definition by kinship in this funerary context is to mark out those who are polluted and thus to separate the polluted from the pure, limiting the extension of miasma. Within the group of the polluted, those who are more strongly affected—the women—are separated from those less so—the men. To avoid the spreading of miasma even more, the transfer of the polluted corpse and the cortège through the city was regulated. In Gortyn, kin are strongly reminded to take care of the corpse. They are to follow a direct route to the cemetery, if possible over public roads—rules recalling the prohi-

[131] *Op.* 240–245.

[132] Degrees and duration of death pollution are discussed again in the later rider to the decree, see fr. 8b.

[133] Frisone (2000) 119 has noticed the resemblance to the affines probably mentioned in Draco's law on homicide, but overlooks the implicit presence of the women. It should be noted, however, that in the case of Draco's law the in-laws (brothers and fathers-in-law) are restored additions to the extant inscription (*IG* I^3 104; *ML* no. 86, l. 22). If this reconstruction is accepted, the resemblance with Draco's regulation is significant: the same group of affines stands to inherit, is obliged to seek revenge in case of homicide, and in the case of the phratry is implicated by miasma.

bition in Delphi to put down the bier in turnings. The funeral is to go straight to the cemetery without detours or delays.

Against this background, many rules of Solon make sense as regulations which limit the diffusion of death miasma. The *prothesis*, previously performed outside, notably in the court-yard,[134] was to take place inside the house. The *ekphora*, previously held soon after dawn, now had to take place before sunrise.[135] Both statements ensured that the pollution of the corpse and of the mourners would not meet the sunlight. Men and women were to walk separately during the *ekphora*. The distance between them would not only limit the risk for the male kin, but would also signify to onlookers who wished to join where the danger of pollution in the cortège was the greatest.[136] The increasing separation between women and men during the funeral in the course of the sixth century is confirmed by the iconographical material. Moreover, Solon's laws set limits on the attendance of women below the age of sixty and beyond a certain circle of kinship. The women who were barred from the funeral were the women of childbearing age, sixty being the traditional boundary of women's fertile years,[137] except the close kin who were polluted by definition. Here, we see again a boundary line drawn between those who were and those who were not considered affected by death miasma.

The regulations on laments can also be explained in this context, at least in part. During the *prothesis*, all laments were allowed. Women could perform their *goos* and men their *thrênos* as long as they were inside the house, as the visual evidence confirms. No *thrênoi* were allowed at the grave, however; the Solonian law can be compared with the law from Delphi, explicitly stating that no lamenting is allowed outside the house. This law and the one from Ioulis both insist on silence during the *ekphora*. On several black-figure and some red-figure vases the men line up as in a chorus with ritual gestures of grief, but their mouths are closed, while the presence of Thracian riders indicates that the scene takes place outside.[138] Conversely, scenes of women lacerating

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[134] Shapiro (1991) 631–632.

[135] *ekphora* soon after dawn in the Homeric epics: Sourvinou-Inwood (1983) 39 with full references.

[136] In one of the apocryphal stories about Solon, Plut. *Sol.* 6, 1–2, the funeral is mentioned of a young man (who turns out to be Solon's son) who was followed to the grave by the whole city.

[137] Call. *Hymn.* 6.130; cf. Bremmer (1987).

[138] Mommsen (1997) 19–21, 26.

their cheeks and women and men lamenting are all situated inside the house.[139] All this evidence suggests that the prohibition on 'set dirges' meant that the *thrênos* was not to be performed outside during the *ekphora* or at the grave.

What effect were the laments believed to have?[140] First of all, the dead person himself heard the *goos* and rejoiced in the grief—everyone loves to be missed.[141] However, the intense emotions performed in cries and songs spread not only to the ears of the deceased, but to everyone. In a cultural atmosphere where words were considered living things with power of their own, such cries of grief could be a means of spreading miasma, in particular when accompanied with excessive grief. Grief itself was intrinsically connected with death miasma.[142] Hence the *thrênos* and the lacerating of cheeks and other signs of extreme mourning of men and women were prohibited outside the house.[143]

Yet here there may have been an additional, political reason. The *thrênos*, praising the deceased and lamenting the loss to the community, could spill over easily in inciting the audience to rally to the side of the dead and of the group to which he had belonged.[144] If there was a desire to take revenge for this death, this feeling too could be expressed in the lament, to the satisfaction of the dead who could even respond to the call for action. Insulting speeches and songs addressed to dead rivals in their graves and even the disturbance of their graves, could soon follow. According to the tradition, this was precisely what was happening on the eve of Solon's laws and the reason for calling in Epimenides: the struggle between the group of Megacles and the

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[139] Shapiro (1991) 631.

[140] For a wider discussion of this question, Johnston (1999) 82–123.

[141] That the dead are supposed to hear the laments, Reiner (1938) 18–21; in Greek laments the dead are often directly addressed, e.g. Hom *Il.* 24.725–726 (Andromache to Hector).

[142] On the kinship between death miasma and grief, Parker (1983) 64.

[143] The gestures of men's grief are initially a beating of the head, from the middle of the sixth century increasingly the so-called farewell-sign, see above and Kurtz (1984) 326; here too Solon's regulations may also have limited men's gestures of grief. Men dirtying themselves in grief in the Homeric epics, Sourvinou-Inwood (1983) 37 with ref.

[144] Toher (1991) regards this social effect of mourning as the main incentive behind the funerary laws, including the pressure on great numbers of mourners to attend. Of course the mass of followers at a funeral would reflect a man's political prestige, but numbers of male followers were never limited in early funerary laws. On the family and other social categories represented in the necropolis, Hölscher (1998) 65; Houby-Nielsen (1995); Humphreys (1983).

followers of Cylon led to many cases of pollution, including digging up and casting forth the bodies of the Alcmaeonidae from their graves when they were judged the guilty party.[145] Alexiou suggests that incessant wailing at graves probably had added fuel to this feud.[146] The law from Delphi prohibited *ototuzein* and *thrênein* for those who were already in their graves. This also explains why a prohibition of singing *thrênoi*—often by men in public—and not just wailing—by women, inside—was included in Solon's regulations, as was any interference with other people's graves. Probably this is also the context in which the prohibition to speak ill of the dead was particularly meaningful.

When recurrent visits to the cemetery were subsumed in a festival on a fixed date, however, when everyone would mourn for their lost relatives at the same moment, the boundaries between the living and the dead, as well as those among the living themselves, could be better observed. Hence the reorganisation of the Genesia from private cults of the dead into a *polis*-cult with a fixed date in the calendar. The Genesia as *polis*-festival only makes sense if it subsumed the former commemoration of the dead by *groups*, such as phratries or entire extensive families.[147] Individual mourning at the grave does not seem to have been interrupted by the creation of the Genesia, as the many classical depictions of men and women mourning at tombs confirm. Delphi and Ioulis likewise tried to limit the recurrent visits to the grave.

The limits posed on grave goods—in Solon's laws only expressed by the number of shrouds, in Ioulis and Delphi with more details about materials and value—should be specified more clearly. Two kinds of goods would be put into a grave, or in an offering place nearby: property belonging to the dead himself, and gifts by the survivors to the dead. The goods of the first kind represented the status of the dead person in life, comprising valuables that were strictly personal and specified as to gender. This group of grave goods reflected the wealth of the *oikos* and ensured that the dead would retain his or her status on the other side of the grave, making use of them according to need.[148] To these goods the dead person was fully entitled: they

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[145] Plut. *Sol.* 12.3.

[146] Alexiou (2002) 21–22; conflicts and rioting as a result of excessive (female) mourning, Van Wees (1998) 42.

[147] Jacoby ascribed a crucial role to the *genê* in the pre-Solonian Genesia, Jacoby (1944a) 67, 70; this view has been convincingly refuted by Bourriot (1976) 1126–1134. Continuity of individual mourning, Oakley (2003).

[148] Burkert (1985) 192; Bruck (1926).

were the dead person's own property, either won during his or her lifetime or being a specific part of the common *oikos*-possessions,[149] in the case of women notably her clothes and other parts of her dowry, in the case of men foremost his weapons and *symposion*-utensils. From the Dark Ages to the sixth century, these grave goods gradually declined in splendour and value: the *Opferrinne*-offerings, for instance, although varied in kind and quite numerous, were purely symbolic, the vases miniature ceramic specimens instead of the originals in precious metals in the Dark Age graves and fowl instead of horses or oxen.[150] They *represented* the deceased's status without making heavy demands on the family's real property. This decrease in display of wealth at funerals had in fact been going on for ages before the sixth century, without any laws causing this change.[151] And none of the funerary laws proceeded to interfere with this kind of grave goods *of* the dead.

The three shrouds, by contrast, like the oil and wine, were gifts *to* the dead, burned with the body in cremation or put into the grave in case of inhumation. They could either have been bought or belonged to the *oikos*, as the Delphi-law specified. The phratry at Delphi responsible for burial probably had none or few possessions of this *oikos*-kind and often must have bought the necessary shrouds. The most common situation—at least among the wealthier classes—must have been that the shrouds belonged to the textiles made at home by the women, an important part of the wealth of an *oikos*. Such textiles were as common and appreciated as valuable gifts as were tools and wares of precious metals and cattle; such gifts were offered as votive gifts to the gods as well.[152] All funerary laws, then, limited the number and value of such gifts to the dead, offered during the funeral. This restriction matches with the limitation of sacrifices, gifts to the dead in the tomb cult after the funeral. The prohibition on sacrificing an ox at the grave belongs to the latter category. The use of the verb *enagizein* indicates that the blood of the ox was to flow into a pit near or right into the grave, an entirely different kind of action than the animal sacrifice at the grave (still obligatory in Ioulis) or the slaughtering of fowl at the *Opferrinne*-

149 On *oikos*-property as a common possession, Foxhall (1989).

150 The Dipylon-graves of the eighth century still contained bones of cattle slaughtered as grave goods, Bruck (1926) 151.

151 Instead, Bruck (1926) 75–160 argues that the decline in the value of personal grave goods (*Totenteil*) reflects changing ideas on the relation between private property of the dead and the interests of the *oikos*.

152 Wagner-Hasel (2000) esp. 128ff.; Van Wees (2005).

ceremony.[153] The *enagizein* of the ox was an offering *to* the dead, not as part of the funeral but at later visits to the grave.[154] The size and value of the animal made it a precious gift, which was not allowed anymore in Solon's law. The blood was meant to feed the dead, and could even be used to summon the (*psychê* of the) dead from the grave.[155] Tomb cult by individuals immediately after the funeral was not restricted at Athens, so the traditional visit on the third, the ninth and the thirtieth days after burial were still allowed, while the yearly remembrance was included in the Genesia. Tomb cult was also restricted at Delphi—no wailing anymore at the grave on the traditional days after the funeral, and at Ioulis—no more sacrifice on the 30th day.

Since the grave goods were a gesture towards the dead, unlike the funeral itself which primarily concerned the mourners and onlookers, the limits set to these grave goods interfered with the relationship between the living and the dead. Offerings to the dead, like those to the gods and heroes, would create a relation of reciprocity and exchange with the recipients. This must have been the attitude the early lawgivers wanted to restrict: the limitations on grave goods and sacrifices to the dead cut down the degree to which the dead had to reciprocate these gifts and had to act on behalf of the living.

Conclusions

Solon's funeral regulations make sense as a series of measures meant to separate the world of the dead from the world of the living. The regulations concerning the *prothesis*, the *ekphora*, and the presence near the corpse of women of childbearing age who were not close kin (near relatives were polluted anyway) all limited the spreading of death miasma in the public areas of the city. Limitations on gifts to the dead in the shape of grave goods and sacrifices reduced the obligations of the dead to the living; the dead would feel less compelled to interfere in the world they had physically left behind.

The regulations need to be understood as belonging to two interlocking developments, that recently have attracted intense historical inter-

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[153] On this kind of sacrifice, Burkert (1985) 60.

[154] *Enagizein* was a sacrifice typical of tomb cult, including that of heroes, an offering to someone who was already (for a long time) in the grave; Burkert (1985) 200, 205.

[155] Burkert (1985) 60; Johnston (1999) 7–8.

est.[156] One is the changing attitude towards death mentioned before. In the Dark Ages and the Homeric epics death was, as Christiane Sourvinou-Inwood puts it, 'familiar, hateful rather than frightening, and contact with death and the dead [was] not avoided'.[157] Death was seen as a radical transfer from life on earth to a separate place. Tomb cult was directed towards the dead as inhabitants of a distinct domain who would return among the living only rarely—on specific days allotted them for this purpose, or by special magic such as practiced by Odysseus to summon the ghost of his dead companion Elpenor; significantly, this happens at the very edge of the world.[158] In the course of the archaic age, this attitude shifted towards a view of death as an individual fate and of the dead as mysterious creatures, who could remain in touch with the living.[159] Death and the dead became a source of anxiety, while communication with the dead intensified. Inevitably, the fear of miasma intensified in the seventh and sixth centuries.[160] The increasing involvement of the living with the dead and hence of the dead with the living could turn into a force with dangerous social consequences, fuelling the tensions between rivalling groups. As E.R. Dodds described this same phenomenon: '[I]t was the Archaic Age that recast the tales of Oedipus and Orestes as horror-stories of bloodguilt; that made purification a main concern of its greatest religious institution, the Oracle of Delphi; that magnified the importance of *phthonos* until it became for Herodotus the underlying pattern of all history'.[161]

The second process entails the ordering of space so fundamental to the development of the *polis*.[162] Gradually separate spaces in the *polis* were assigned to mortals, immortals and the dead. Sacred roads and a pattern of sanctuaries secured the coherence between these distinct

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156 Sourvinou-Inwood (1983 and 1995) regards the attitude toward death as the main cause of the removal of the dead and hence as the main cause of the general separation of space, while Johnston (1999) 95ff. sees the separation of space and removal of the dead as the cause of changing attitudes to death. Morris (1987 and 1989), Hölscher (1998b) and Hölkeskamp (2002) perceive the separation of spaces as an independent process.

157 Sourvinou-Inwood (1983) 34.

158 Johnston (1999) 8–9.

159 Johnston (1999) 95–100, esp. 96; Sourvinou-Inwood (1983); Sourvinou-Inwood (1995).

160 Morris (1987) 189ff.

161 Dodds (1951) 44. Dodds' theoretical approach is different, but concerns the same development.

162 Important contributions to this growing debate are de Polignac (1995); Alcock and Osborne (1994); Morris (1987); Hölscher (1998b); Hölkeskamp (2002).

areas and between the city centre and the countryside. This process of differentiation and separation led to the creation of hero-graves in the city centre and the burial of all human corpses outside the city walls. At Athens, this process began in the later eighth century and was complete by ca. 500 BC, although additional changes took place in the fifth century such as the reshaping of the Kerameikos after the building of the Themistoclean walls and the public burial of the war dead. Simultaneously, responsibility for burials shifted from subgroups of society (*genê*, phratries, larger kin groups and followers) to smaller family-units on the one hand and to the *polis* on the other.

In the context of these changes, death became both a more private and a compellingly public affair. It was necessary to diminish the danger and the fear of death miasma from spreading in the city, ensuring that families perform the proper burial procedure. The dead should be honoured, but the difference between the living and the dead should be observed and the dead should not be involved in the conflicts of the living. It is possible that the prohibition of *enagizein* of an ox also aimed at differentiating between the human dead and dead heroes, who annually received large offerings, including blood sacrifices at their graves. This cannot be ascertained, however, because the evidence on hero sacrifice only refers to *ta nomizomena* (traditional matters), without specifying what was sacrificed in each case.[163]

To attain this separation between the living and the dead was precisely the aim of the archaic funeral laws, those attributed to the legendary lawgivers as well as the extant decrees. In the case of the lawgivers, the funerary regulations fit the pattern of this lawgiving in general: they entail not the codification of traditional rules, but practical, almost ad-hoc regulations intended to lessen the tensions in contemporary society and to diminish the aggression between competing aristocratic families.[164] Such measures are stated in more detail in the decrees of Delphi and Ioulis, issued somewhere between the second half of the sixth century and the later fifth respectively and collected by the end of the fifth century. The funerary regulations of the fourth and third centuries reveal clear changes.[165] Deep concern about the *prothesis* and

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[163] I thank Robert Parker for his comments on this matter.

[164] Hölkeskamp (1992); Hölkeskamp (1992 [1995]); Hölkeskamp (1999); Hölkeskamp (2000); Osborne (1996) 185–192.

[165] They include Plato's ideals in *Leg.* 12.958d–960c; the regulations of Demetrius of Phaleron, 317/6, both discussed above; a funerary decree from Gambreion near Pergamon, third century (*LSA*, 16), and a funerary decree form Nisyrus, third century

ekphora all but disappeared, a fact corroborated by the disappearance of the *prothesis* as a theme in visual material, and there were no regulations anymore on grave goods. Instead, as we saw, the grave monument became a focus of interest as was, in funerary legislation of Gambreion in Asia Minor, the mourning behaviour of men and women in the months after the funeral. These features indicate that by the fourth century the separation between the living and the dead had advanced at least so far as to subdue anxiety of death at a social level.

The Solonian funerary laws hover in date and quality between the two categories of legendary lawgivers and decrees. Only the Genesia can be directly connected with Solon, due to their place on an *axon*; the measures of his decrees are testified in literary sources of a much later date. A very cautious conclusion would be that these laws are probably sixth century regulations from Athens. The tradition ascribing these measures to Solon, however, is a strong one. In his case in particular the funerary regulations fit his role as arbitrator intent on lessening social tension, separating factions, deciding on what should become each group, defending private rights such as private property, and regulating the religious obligations of the *polis*.[166] These features attach the measures of the archaic lawgiver to the actual funerary regulations. With an optimistic view, we may even put a name to the man who issued them.

Appendix: The post aliquanto-*law: a brief comment*

Cicero's vague reference, which seems to draw on Demetrius of Phaleron's treatise in the first place, indicates a law issued 'somewhat later' than Solon's. Hence, the so-called *post aliquanto*-law has been situated almost anywhere between mid-sixth and the mid-fifth century.[167] Not

(*IG* XII 3.87); on the latter two decrees, Frisone (2000) 139–163. Further discussion of these regulations lies beyond the scope of this article.

[166] Solon creating order in religious practices, Parker (1996) 43–55.

[167] Most scholars acknowledge that it is very difficult to situate this law in a plausible historical context, but they nevertheless feel obliged to try: Eckstein (1958) and Boardman (1955) 53 argue for ca. 530 because of the decline in abf plaques; Clairmont (1983) 75 favours a post-Cleisthenic date; Garland (1989) 7 prefers Cleisthenes; Humphreys (1983) 88–89 gives no clear date but describes changes in the fifth century; Ruschenbusch (1966) 95 just adds 'a. 490/80'; Stupperich (1977) 72–78 hesitates but finally suggests either ca. 500 or the time of Themistocles; Shapiro (1991) 631 cautiously supports a Pisistratid date, but emphasizes that such laws were usually circumvented, in order to

only the date is obscure: archaeologists disagree on whether the *sepulcra* are tombs or rather burial precincts, and on what an *opus tectorium* might exactly be.[168] The limitation is phrased in an amount of labour, rather than in terms of monetary value, which gives it an archaic appearance in the eyes of some scholars, although there is no ancient evidence to corroborate this view.[169] Since the law was said to limit the size of tombs, it is reasonable to look for a date just before funeral monuments became very modest or disappeared altogether. After an increase in tomb size in the course of the archaic age and a spreading of monumental funeral constructions over larger sections of the Attic population in the sixth century, private funerary monuments decline after ca. 500 and all but disappear ca. 480, only to re-emerge in a new style around 425. Moreover, Cicero's text connects the limitation of tombs with the funerary orations.[170] The beginnings of this practice are as difficult to pin down as the *post aliquanto* law itself, but a date around 470/60 is now more or less generally accepted. With wide margins, then, ca. 480 would be a feasible date for the law. Would over a century after Solon still count as 'somewhat later'?

The main objection to a date around 500, or even somewhat later, however, is that restraint in funerary monuments occurred not only at Athens but throughout Greece in the period between ca. 500 and 430, and affected not only private monuments but public burials as well.[171] There cannot have been a single legal impetus in one *polis* behind this overall change. It is no coincidence that archaeologists have voiced the most profound doubts about the historical *Sitz im Leben* of the *post aliquanto*-law. Conversely, among the entire group of early funerary laws only the *post aliquanto*-law is said to have restricted the size of tombs; all others, as we saw, regulated mourning behaviour and grave goods. Leaving aside the *post aliquanto*-law, Demetrius of Phaleron would have been the first to issue a law on this matter. The same changes in concerns are manifest in the Roman laws: the Twelve Tables are

explain the lack of correlation between laws and funerary monuments; the latter issue is discussed by Morris (1992-3) with ref.

[168] For instance Boardman (1955); Humphreys (1983) 89; in my translations, I have followed Dyck's commentary on these terms.

[169] Stupperich (1977) 73; Garland (1989) 5–6.

[170] Humphreys (1983) 89, however, thinks that reference is made to various kinds of public commemoration.

[171] Morris (1992-3) 39–42; on exceptions to the "rule" of disappearance in Athens, i.e. private tombs between 480 and 430, see Morris (1992-3) 40.

not about tombs, but about funeral behaviour, possibly to emphasize observance of sacred rules or to regulate the proportion of family-property offered as grave gifts; only in the first century BC expense on tombs was subjected to regulation, and this had more to do with taxes than with curbing funerary display.[172] In sum, no relationship between the *post aliquanto*-law and funerary monuments, nor between this law and other archaic funerary laws can be established in any satisfactory way. Its existence is a historical anomaly, which only hinges on a quote within a quote in Cicero's text.

If we suppose that the existence of this law is an erroneous conjecture of our sources, when and how could it have come about? The fourth century is a likely candidate, when interest in the role of legislation as a means to shape the *politeia* increased, including funerary laws, as Plato's *Laws* exemplify. The regulations proposed by the Athenian in this discussion (*Leg.* 12.958d–960c) are quite unlike what we know of contemporary Athenian practice,[173] and include several interesting novelties: one should not pile up a mound to a height greater than can be made by five men in five days; no stone pillars are to be erected of a size more than is required to hold, at the most, an eulogy of the dead man's life consisting of not more than four heroic lines; and because it is only a dead body one is taking care of, while the soul has long departed to the gods, expense on the entire funeral (εἲς τὴν πᾶσαν ταφήν) should be limited, according to property class, ranging from five minae (500 drachmae) at most for the highest to one mina (100 drachmae) for the lowest class. Here, in the context of philosophical argumentation, we meet with a proposal to limit the size of grave monuments and the costs of the funeral. Demetrius, who as an Aristotelian strove to apply philosophical principles to political practice, actually inaugurated such measures by the end of the century, in 317/6. Apparently, the idea that funerary legislation should be applied to grave monuments turned from feasible to fashionable among intellectuals in the fourth century; in the later authors Cicero and Plutarch it is a matter of course. So here we may find the reason of the *post aliquanto*-law's alleged existence, as Karen Stears suggests: Demetrius' source supposed such a law must

[172] De Ligt (2002) 15.

[173] Contra Garland (1989) 7 and n. 27, who states that Plato's laws 'undoubtedly reflect, although we cannot know how closely, contemporary Athenian practice' augmented with 'other codes .. now almost completely unknown'.

have existed to account for the disappearance of private monuments after 480, a change in funerary practice still visible in the fourth century.[174]

In sum, the *post aliquanto*-law cannot be taken at the face value of Cicero's text. If Cicero refers here to the text of Demetrius, as seems most likely, its existence in the early fifth century is an erroneous supposition by Demetrius himself or by his source, as Stears has suggested. If Cicero refers somehow to Demetrius' own regulations, not the law's existence but its date 'somewhat later' is an error. Since therefore the origin of this alleged law can at best be situated in the later fourth century, and its relevance to earlier funerary practice is doubtful to the extreme, it is not considered in the present discussion.

Bibliography

Alcock, S.E. and R. Osborne, eds. 1994. *Placing the Gods. Sanctuaries and sacred space in ancient Greece*, Oxford.

Alexiou, M. 2002. *The Ritual Lament in Greek Tradition*. Second edition, revised by D. Yatromanolakis and P. Roilos, Lanham.

Bannier, W. 1925. Zu Griechische Inschriften II. *RhM* 74: 280–292.

Bekker, I. 1814. *Anecdota Graeca, Vol. I.* Berlin.

Bérard, C. 1976. Le liknon d'Athéna: sur un aspect de la procession des Chalkeia et en prolégomènes à une histoire de la vannerie grecque. *AK* 19: 101–114.

Blok, J.H. 2001. Virtual Voices. Towards a choreography of women's speech in classical Athens. In *Making Silence Speak. Women's voices in Greek literature and society*, eds. A. Lardinois and L. McClure, 95–116. Princeton.

Boardman, J. 1955. Painted funerary plaques and some remarks on prothesis. *ABSA* 50: 51ff.

Bourriot, F. 1976. *Recherches sur la nature du génos. Étude d'histoire sociale athénienne—periodes archaique et classique*. Lille.

Bousquet, J. 1966. Le cippe des Labyades. *BCH* 90: 82–92.

Bremmer, J.N. 1987. The old women of ancient Greece. In *Sexual Asymmetry. Studies in Ancient Society*, ed. J.H. Blok and P. Mason, 191–216. Amsterdam.

Bruck, E.F. 1926. *Totenteil und Seelgerät im griechischen Recht. Eine entwicklungsgeschichtliche Untersuchung zum Verhältnis von Recht und Religion mit Beiträgen zur Geschichte des Eigentums und des Erbrechts*. München.

Burkert, W. 1985. *Greek Religion*. Cambridge, MA.

Butcher, S.H. 1907. *Demosthenis Orationes II.1*. Oxford.

[174] Stears (2000) 42–43; on the importance of visible family tombs over many generations in the fourth century, Humphreys (1983).

Clairmont, C.W. 1983. *Patrios Nomos*. Oxford.
Clinton, K. 1982. The nature of the late fifth century revision of the Athenian law code. In *Studies in Attic Topography and Epigraphy presented to Eugene Vanderpool*, 27–37. Princeton.
Cole, S.G. 2004. *Landscapes, Gender, and Ritual Space. The Ancient Greek Experience*. Berkeley / Los Angeles / London.
Dilts, M.R. 2005. *Demosthenis Orationes II*. Oxford.
Dodds, E.R. 1951. *The Greeks and the Irrational*. Berkeley / Los Angeles / London.
D'Onofrio, A.M. 1993. Le trasformazioni del costume funerario ateniense nella necropoli pre-soloniana del Kerameikos. *Annali Instituto Universitario Orientale Archeologia e storia antica* 15: 143–171.
Dyck, A.R. 2004. *A commentary on Cicero, De Legibus*. Ann Arbor.
Eckstein, F. 1958. Die attischen Grabmälergesetze (Cicero, De legg. 2, 59ff). *JdI* 73: 18–29.
Engels, J. 1998. *Funerum sepulcrorumque magnificentia. Begräbnis- und Grabluxusgesetze in der griechisch-römischen Welt mit einigen Ausblicken auf Einschränkungen des funeralen und sepulkralen Luxus im Mittelalter und in der Neuzeit*. Stuttgart.
Foxhall, L. 1989. Household, gender and property in classical Athens. *CQ* n.s. 39: 22–44.
Friedländer, P., and H.B. Hofleit. 1987. *Epigrammata: Greek Inscriptions in Verse from the Beginnings to the Persian Wars*. Reprint of the 1948 edition. Chicago.
Frisone, F. 2000. *Leggi e Regolamenti Funerari nel Mondo Greco. I. Le Fonti Epigraphiche*. Lecce.
Garland, R. 1985. *The Greek way of death*. London.
Garland, R. 1989. The well-ordered corpse: an investigation into the motives behind Greek funerary legislation. *BCS* 36: 1–15.
Gehrke, H.-J. 1978. Das Verhältnis von Politik und Philosophie im Wirken des Demetrios von Phaleron. *Chiron* 8: 149–193.
Graf, F. 2002. What is new about Greek sacrifice? In *Kykeon. Studies in Honour of H.S. Versnel*. ed. H.F.J. Horstmanshof, H.W. Singor, F.T. van Straten and J.H.M Strubbe, 113–126. Leiden / Boston / Köln.
Hansen, M.H. 1989. Solonian Democracy in Fourth-Century Athens. *C&M* 40: 71–99.
Harris, E. 1992. rev. of MacDowell, Demosthenes: Against Meidias. *CPh* 87(1): 73–80.
Hölkeskamp, K.-J. 1992. Written Law in Archaic Greece. *PCPhS* n.s. 38: 87–117.
Hölkeskamp, K.-J. 1992 [1995]. Arbitrators, lawgivers and the 'codification of law' in archaic Greece. Problems and perspectives. *Mêtis* 1–2: 49–81.
Hölkeskamp, K.-J. 1999. *Schiedsrichter, Gesetzgeber und Gesetzgebung im archaischen Griechenland*. Stuttgart.
Hölkeskamp, K.-J. 2000. (In-)schrift und Monument. Zum Begriff des Gesetzes im archaischen und klassischen Griechenland. *ZPE* 132: 73–96.
Hölkeskamp, K.-J. 2002. Ptolis and Agore. Homer and the archaeology of the city-state. In *Omero tremilia anni dopo*, eds. F. Montanari and P. Ascheri, 297–342. Rome.
Hölscher, T. 1998. *Öffentliche Räume in frühen griechschen Städten*. Heidelberg.

Holst-Warhaft, G. 1992. *Dangerous Voices. Women's Lament in Greek Literature*. New York.
Houby-Nielsen, S. 1992. Interaction between chieftains and citizens? 7th century BC burial customs in Athens. *Acta Hyperborea (Danish Studies in classical archaeology)* 4: 343–374.
Houby-Nielsen, S. 1995. Burial language in Archaic and Classical Kerameikos. *Proceedings of the Danish Institute* 1: 129–191.
Houby-Nielsen, S. 1996. The Archaeology of Ideology in the Kerameikos: New Interpretations of the "Opferrinnen". In *The Role of Religion in the Early Greek Polis*. ed. R. Hägg, 41–54. Stockholm.
Humphreys, S.C. 1983. Family tombs and tomb cult in classical Athens: tradition or traditionalism? In *The family, women and death. Comparative studies*, 79–130. London / Boston.
Jacoby, F. 1944. GENESIA: a forgotten festival of the dead. *CQ* 38: 65–75.
Jeffery, L.H. 1973/4. Demiourgoi in the archaic period. *ArchClass* 25/6: 319–330.
Johnston, S.I. 1999. *Restless Dead. Encounters between the Living and the Dead in Ancient Greece*. Berkeley / Los Angeles / London.
Kapparis, K.A. 1999. *Apollodoros "Against Neaira" [D. 59]. Edited with Introduction, Translation and Commentary*. Berlin / New York.
Keyes, C.W. 1928. *Cicero, Vol. XVI: De Re Publica, De Legibus*. Loeb Classical Library 213. Cambridge, MA.
Kistler, E. 1998. *Die Opferrinne-"Zeremonie". Bankettideologie am Grab. Orientalisierung und Formierung einer Adelsgesellschaft in Athen*. Stuttgart.
Klaffenbach, G. 1948. Epigraphische Studien. *Philologus* 97: 372–373.
Koerner, R. 1993. *Inschriftliche Gesetztexte der frühen griechischen Polis. Aus dem Nachlass von Reinhard Koerner*, ed. K. Hallof. Köln / Weimar / Wien.
Kraay, C.M. 1976. *Archaic and Classical Greek Coins*. London.
Kroll, J.H. 1998. Silver in Solon's Laws. In *Studies in Greek Numismatics in Memory of Martin Jessop Price*, ed. S.H.R. Ashton, 225–232. London.
Kurtz, D.C. 1984. Vases for the dead, an Attic selection, 750–400 BC. In *Ancient Greek and related pottery. Proc. Intern. Vase Symposium Amsterdam 12–15 April 1984*, ed. H.A.G. Brijder, 314–328. Amsterdam.
Kurtz, D.C. and J. Boardman 1971. *Greek burial customs*. London.
Latte, K. 1928. Ein sakrales Gesetz aus Kyrene. *ARW* 26: 41–51.
de Ligt, L. 2002. De Romeinse leges sumptuariae in vergelijkend perspectief. In *Tesserae Romanae. Opstellen aangeboden aan Hans Teitler*, eds. J.H. Blok, J.J. Flinterman and L. de Ligt, 9–22. Utrecht.
Loraux, N. 1986. *The invention of Athens. The funeral oration in the classical city*. Cambridge, MA.
MacDowell, D.W. 1990. *Demosthenes: Against Meidias. Edited with introduction, translation, and commentary*. Oxford.
Martin, R.P. 1993. The Seven Sages as Performers of Wisdom. In *Cultural Poetics in Archaic Greece. Cult, Performance, Politics*, eds. C. Dougherty and L. Kurke, 108–128. Cambridge.
Mills, H. 1987. Greek clothing regulations: sacred or profane? *ZPE* 55 (4): 255–265.

Mommsen, H. 1997. *Exekias I. Die Grabtafeln*. Mainz am Rhein.
Morris, I. 1987. *Burial and Society. The Rise of the Greek City State*. Cambridge.
Morris, I. 1989. Attitudes Toward Death in Archaic Greece. *CA* 8 (2): 296–320.
Morris, I. 1992. *Death-Ritual and Social Structure in Classical Antiquity*. Cambridge.
Morris, I. 1992–1993. Law, culture and funerary art in Athens 600–300 BC. *Hephaistos* 11–12: 35–50.
Morris, I. 1998. Burial and society after ten years. *Nécropoles et pouvoir. Idéologies, pratiques et interpretations. Actes du colloque Theories de la nécropole antique, Lyon 1995*. Paris.
Müller, M. 1993. Grabmal und Politik in der Archaik. In *Die Griechische Polis. Architektur und Politik*, eds. W. Höpfner and G. Zimmer, 58–75. Tübingen.
Nielsen, T.H., L. Bjertrup, M.H. Hansen, L. Rubenstein and T. Vestergaard (1989). Athenian Grave Monuments and Social Class. *GRBS* 30: 411–420.
Oakley, J. 2003. *Picturing death in classical Athens. The evidence of the white lekythoi*. Cambridge.
Oliver, G. 2000. Athenian Funerary Monuments: Style, Grandeur, and Costs. In *The Epigraphy of Death. Studies in the History and Society of Greece and Rome*, ed. G.J. Oliver, 59–80. Liverpool.
Osborne, R. 1994. Looking on—Greek style. Does the sculpted girl speak to women too? In *Classical Greece. Ancient histories and modern archaeologies*, ed. I. Morris, 81–96. Cambridge.
Osborne, R. 1996. *Greece in the Making, 1200–479 BC*. London / New York.
Osborne, R. 1997. Law, the democratic citizen and the representation of women in classical Athens. *Past and Present* 155: 3–33.
Padel, R. 1992. *In and out of the Mind. Greek images of the tragic self*. Princeton.
Papadopoulos, J.K. 1993. *Journal of Mediterranean Archaeology* 6 (2): 175–206.
Parker, R. 1983. *Miasma. Pollution and Purification in early Greek Religion*. Oxford.
Parker, R. 1987. Myths of Early Athens. In *Interpretations of Greek Mythology*, ed. J.N. Bremmer, 187–214. London.
Parker, R. 1996. *Athenian religion. A history*. Oxford.
Perrin, B. 1914. *Plutarch's Lives, Vol. 1*. Loeb Classical Library 46. Cambridge, MA.
de Polignac, F. 1995. *Cults, territory, and the origins of the Greek state*. Chicago.
Reiner, E. 1938. *Die rituelle Totenklage der Griechen*. Stuttgart / Berlin.
Rennie, W. 1931. *Demosthenis Orationes III*. Oxford.
Rhodes, P.J. and R. Osborne, eds. 2003. *Greek Historical Inscriptions, 404–323 BC*. Oxford.
Rougemont, G. 1974. L'inscription archaïque de Delphes relative a la phratrie des Labyades. *BCH* 98: 147–158.
Roux, G. 1973. La consultation solennelle des Labyades a Delphes. *RA*: 59–78.
Ruschenbusch, E. 1966. Σόλωνος νόμοι. *Die Fragmente des Solonischen Gesetzwerkes mit einer Text- und Überlieferungsgeschichte*. Wiesbaden.
Schaps, D.M. 2004. *The Invention of Coinage and the Monetization of Ancient Greece*. Ann Arbor.
Schnurr-Redford, C. 1996. *Frauen im klassischen Altertum*. Berlin.
Seaford, R. 1994. *Reciprocity and Ritual. Homer and Tragedy in the Developing City-State*. Oxford.

Shapiro, H.A. 1991. The Iconography of Mourning in Athenian Art. *AJA* 95: 629–656.
Siewert, P. 1978. Die angebliche Übernahme solonischer Gesetze in die Zwölftafeln. Ursprung und Gestaltung einer Legende. *Chiron* 8: 331–344.
Sourvinou-Inwood, C. 1983. A trauma in flux: Death in the 8th century and after. In *The Greek Renaissance of the Eighth Century BC: Tradition and Innovation*, ed. R. Hägg, 33–48. Stockholm.
Sourvinou-Inwood, C. 1995. *'Reading' Greek Death to the End of the Classical Period.* Oxford.
Stears, K. 2000. The Times They Are A'Changing: Developments in Fifth-Century Funerary Sculpture. In *The Epigraphy of Death. Studies in the History and Society of Greece and Rome*, ed. G.J. Oliver, 25–58. Liverpool.
Straten, F.T. van. 1995. *Hiera Kala. Images of animal sacrifice in archaic and classical Greece.* Leiden / New York / Köln.
Stroud, R. 1979. *The axones and kyrbeis of Drakon and Solon.* Berkeley.
Stupperich, R. 1977. *Staatsbegräbnis und Privatgrabmal im klassischen Athen.* Münster.
Toher, M. 1991. Greek funerary legislation and the two Spartan funerals. In *Georgica. Greek studies in the honour of George Cawkwell*, eds. M. Flower and M. Toher, 159–175. London.
Wächter, T. 1910. *Reinheitsvorschriften im griechischen Kult.* Gießen.
Wagner-Hasel, B. 2000. *Der Stoff der Gaben. Kultur und Politik des Schenkens und Tauschens im archaischen Griechenland.* Frankfurt / New York.
van Wees, H. 1998. A brief history of tears: gender differentiation in archaic Greece. In *When men were men. Masculinity, power and identity in classical antiquity*, eds. L. Foxhall and J. Salmon, 10–53. London.
van Wees, H. 2005. Trailing tunics and sheepskin coats: dress and status in early Greece. In *The clothed body in the ancient world*, eds. L. Cleland, M. Harlow, and L. Llewellyn-Jones, 44–51. Oxford.
Ziegler, K. 1950. *M. Tullius Cicero. De Legibus.* Heidelberg.
Ziegler, K. 1969. *Plutarchi vitae parallelae, Vol. 1.1.* Fourth edition. Leipzig.

CHAPTER NINE

THE REFORMS AND LAWS OF SOLON: AN OPTIMISTIC VIEW

P.J. Rhodes

Post-modernist fashion insists that history is not what actually happened, but only what our sources have constructed and what we construct from our sources.[1] Archaic Greece is particularly vulnerable to that approach, since nearly all our written sources are not contemporary but later;[2] and within archaic Greece Solon was certainly subjected to later construction,[3] to the extent that laws are attributed to him in classical texts which are demonstrably much more recent.[4] It seems not to have been until the end of the fifth century that Solon came to be regarded as a founding hero of the Athenian democracy:[5] it has therefore become possible to argue that much that is found in the *Athênaiôn Politeia* and used as the basis for standard modern accounts of Solon should be discarded as mistaken late-fifth- and fourth-century reconstruction.

I take as examples two distinguished scholars (neither of whom, I think, would claim to be post-modernists). Mossé has suggested that the attribution of the four property classes to Solon is a fiction, that the *pentakosiomedimnoi* are the rich men who had to pay 500 drachmae when Pisistratus levied his 10% tax, and that the classes were systematised by Cleisthenes; in the area of justice she accepts for Solon prosecution by *ho boulomenos* and appeal to a court, but believes that in the time of Solon the court to which appeals were directed was the Areopagus; and, like others before her, she disbelieves in a Solonian council of

[1] I am most grateful to Prof. Blok and Prof. Lardinois and to all involved for the invitation to contribute to a very stimulating and enjoyable conference, and to this book. I included Solon in Rhodes (1993) 59–64. From other scholars I shall cite in particular Hansen (1982), (1989a), and (1991); Mossé (1979); Osborne (1996); Rosivach (2002); Ruschenbusch (1966). I am one of those who believe that *kyrbeis* and *axones* are alternative names for the same objects (cf. Rhodes 1981, 131–134): the question does not need to be discussed here.

[2] Cf. Osborne (1996) 4–15 and *passim.*

[3] Cf. in general Osborne (1996) 217–225.

[4] Cf. below.

[5] Cf. Hignett (1952) 2–8; this is better than *c.* 356, argued by Ruschenbusch (1958).

four hundred.[6] Hansen, though he is less radical in application, is equally radical in principle.[7] He argues that the fourth-century orators, when they ascribed laws and institutions to Solon and discussed Solon's intentions, were not just indulging in a rhetorical commonplace but expected the ascriptions to be taken seriously; this was possible because Solon's *axones* contained laws concerning the conduct of individuals but not constitutional laws, and the ascriptions could therefore not be checked;[8] we should not distinguish between rhetorical attribution by the orators and serious attribution by the *Athênaiôn Politeia*, but should recognise that the Solonian constitution of the *Athênaiôn Politeia* is the Solonian ideal democracy of the orators. In fact Hansen accepts the liberation of the *hektêmoroi* and the use for political purposes of the four property classes (suspecting that Solon may have distinguished the *pentakosiomedimnoi* from the highest of three pre-existing classes); he thinks the institution of prosecution by *ho boulomenos* and of appeal to the *(h)eliaia* may be authentic but may be fourth-century inventions; similarly he considers it impossible to decide whether the council of four hundred which served as a precedent for the oligarchs of 411 was fact or invention.

Other contributors to this volume may continue in this sceptical direction, but I believe that a more optimistic case needs to be restated. The fundamental questions to address are, first, whether the fact that some demonstrably later laws could be attributed to Solon proves that (while some attributions may happen to be correct) no attributions can be relied on to be correct; secondly, whether the accounts of Solon's reforms in *Athênaiôn Politeia* and Plutarch's *Solon* are ultimately based on Solon's laws, and can therefore be trusted when they make assertions not supported by the fragments of his poems.

First, Solonian laws. It is certainly true that later laws could be attributed to Solon and (as Hansen has observed)[9] that Solon as legis-

[6] Mossé (1979). Cf. her more recent treatment, Mossé (1996).

[7] For the principle, Hansen (1989a). For its application, Hansen (1991) 29–31, 49–52; and, on the judicial reforms, (1982).

[8] Hansen, (1989 a) 85–87, regards as an intentional contrast 'The Athenians shall conduct their *politeia* in accordance with tradition, and shall use the laws of Solon and his measures and weights; they shall use also the statutes of Draco which we used in time past', in Tisamenus' decree of 403 (Andoc. 1. *De Myst.* 83), and cites that along with Thrasymachus 85 B 1 DK, and 'shall seek out in addition … also the traditional laws which Cleisthenes enacted' in *Ath. Pol.* 29.3, as evidence that the details of Solon's constitution were not accessible in the classical period.

[9] Hansen (1989a) 80–82.

lator is often invoked in ways which show that the attribution was more than a meaningless rhetorical commonplace.[10] But can we argue, as Hansen does, that this proves Solon's laws were not accessible in the fourth century since, if they were accessible, false attributions would be exposed as Aeschines' use of a recent statue of Solon was exposed by Demosthenes?[11] Part of the answer has to be that many false attributions could have been exposed whether the Solonian code was accessible or not, but still were not exposed. The decree of Demophantus, attributed by Andocides to Solon, has a prescript which dates it to the beginning of 410/09, and refers to Harmodius and Aristogiton, who assassinated Hipparchus in 514;[12] and when Andocides delivered his speech, just ten years later, there will have been many Athenians who remembered its enactment. More research will have been needed in cases where what appeared in the code published at the end of the fifth century might have been enacted by Solon or might have been enacted subsequently, but there will have been many laws which could be recognised as post-Solonian as easily in the fourth century as they are now—yet that did not render impossible a culture in which orators were able to conjure up Solon vividly as the author of any law which they wished to cite with approval.

On the positive side, when Draco's homicide law (or the part of it which was still current) was republished in 409/8, the text was derived from numbered *axones*;[13] and Plutarch and others were able to cite Solon's laws from numbered *axones*.[14] By Plutarch's time only meagre fragments of the *axones* survived,[15] but a transcription had been made; indeed, one list of Aristotle's works includes a treatise in five books 'on the *axones* of Solon'.[16] Lysias' explanation of archaic language in Solon's laws[17] does not rule out the possibility that the laws cited are

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[10] E.g. Dem. 20. *In Lept.* 90, 22. *In Andr.* 30–31, 24. *In Tim.* 211–212; Hyp. 3. *In Ath.* 21–22.

[11] Aeschin. 1. *In Tim.* 25–26 with Dem. 19. *F.L.* 251–256, on which see Rhodes (1993) 61–62 n. 37.

[12] Andoc. 1. *De Myst.* 95 with 96–98 (cf. *IG* i^3 375. 1).

[13] ML 86 = *IG* i^3 104 trans. Fornara 15 B. 10, 56; cf. Dem. 23. *In Arist.* 28, 31, with Cobet's emendation.

[14] Plut. *Sol.* 19.4, 23.4, 24.2, schol. Hom. *Il.* 21.282, Harp. o 43 Keaney *s.v.* ὅτι οἱ ποιητοί.

[15] Plut. *Sol.* 25.1.

[16] Hesychius *s.v.* Ἀριστοτέλης (Rose 1886, 16).

[17] Lys. 10. *Theomn. 1.* 15–20; for further instances of archaic language see Ruschenbusch (1996) 84 (F 41).

post-Solonian but still early; but *Athênaiôn Politeia*'s quotations from 'the laws of Solon which they no longer use'[18] indicate that it was possible to distinguish between laws of Solon and currently valid laws, and I believe that those qualifications in the law of inheritance to which the Thirty took exception in 404[19] were part of Solon's law. Rosivach, to explain *Athênaiôn Politeia*'s listing for the property classes of qualifications which are unlikely to be correct, has suggested that the text of the laws was painted on the *axones* and could be covered over and replaced with new texts when particular laws were superseded;[20] but I doubt whether the *axones* would have been kept up to date in that way;[21] and, even if they were, I should be surprised if laws concerning the *naukrariai* survived when the *naukrariai* were abolished but laws defining the classes were obliterated when the classes continued in theory to exist (I shall return to the problem of the classes below).

So I believe that Solon's *axones* did survive long enough for a transcription to be made, and that those who wanted to consult the laws of Solon were able to do so.[22] What did Solon's laws contain? They 'did *not* include many, if any at all, of the statutes that we would consider constitutional', writes Hansen.[23] More optimistically, Ruschenbusch suggests 'individual constitutional prescriptions, but not a fundamental constitutional law in the modern sense';[24] and Rosivach suggests 'a body of laws, some of which dealt with what we would consider constitutional matters'.[25] Certainly Solon will not have systematically compiled a complete constitution, like the American constitution. He will not necessarily have enacted laws in areas where he made no change, and to that extent I accept Hansen's claim that the constitution will have been regulated partly by custom. But, if he did indeed make constitutional

[18] *Ath. Pol.* 8.3.

[19] *Ath. Pol.* 9.2, 35.2.

[20] Rosivach (2002) 39–41.

[21] Ruschenbusch (1966) argues that the laws were inscribed on the *axones* (p. 24: cf. Gell. 2.12.1) and that the *axones* were not kept up to date (pp. 36–37).

[22] Cf. Ruschenbusch (1966) 37–38; Andrewes (1974). Stroud (1978) gives a very optimistic view of the survival of early documents and the use of them by later writers. Osborne, though on other matters very willing to be sceptical, believes here (Osborne 1996, 220) that 'the certainty that there was a written text, and that that text could be correctly cited, justifies valour rather than discretion'.

[23] Hansen (1989 a) 83–85, comparing the Gortyn code and other ancient and mediaeval codes.

[24] Ruschenbusch (1966) 26: 'vereinzelte verfassungsrechtliche Bestimmungen, aber kein Verfassungsgrundgesetz im modernen Sinne'.

[25] Rosivach (2002) 39.

changes, he will have had to enact constitutional laws to give effect to them; some of his laws may also have stated or restated current practice; and I believe that these laws survived and later investigators could have consulted them.[26]

How far did they consult them? How well informed are the accounts of Solon's reforms in *Athênaiôn Politeia* and Plutarch's *Solon*? The way in which the two accounts partly overlap and partly differ has suggested to me that behind them lies a common source:[27] that source certainly had access to Solon's poems;[28] and, since *Athênaiôn Politeia* quotes laws which are no longer current and Plutarch quotes laws from numbered *axones*, it is likely that it also had access to his laws.

The fragments of Solon's poems have a good deal to say about his attitude to greed among both rich and poor, to tyranny and to the proper role of the *dêmos*; and we read that he did not want to undertake a redistribution of property;[29] but only one fragment begins to tell us what he actually did, and I doubt if we should know much more if the whole of his poetry survived. According to that fragment,[30] he freed the earth from slavery, by uprooting the *horoi* planted in it; he freed individual slaves, some of them men sold into slavery abroad; he enacted laws for 'bad and good', i.e. the lower and upper classes, alike. Recently almost everybody[31] has accepted that the uprooting of the *horoi* and the freeing of slaves are to be connected with a system under which some farmers had been *hektêmoroi* (an unfamiliar word, glossed as *pelatai* by *Athênaiôn Politeia* and *thêtes* by Plutarch), who were

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[26] Compare the laws on Cleisthenes' council of five hundred, some of them significantly earlier than the late fifth century, which were put together by the *anagrapheis* of the late fifth century: *IG* i³ 105 with Rhodes (1972) 194–199. For constitutional laws in other states in archaic Greece cf., e.g., the Great Rhetra at Sparta (*ap*. Plut. *Lyc*. 6), the law on tenure of the office of *kosmos* at Drerus (ML 2 trans. Fornara 11).

[27] Cf. Rhodes (1981) 88, 118.

[28] On the authenticity of the poems attributed to Solon see Lardinois' contribution to this volume. We may not know at every point exactly what words Solon used, but the poems which address a particular situation in Athens seem to me more probably to have been written by Solon than by some later writer adopting the persona of Solon.

[29] Solon fr. 34 *ap. Ath. Pol.* 12.3.

[30] Solon fr. 36 *ap. Ath. Pol.* 12.4, Plut. *Sol.* 15.6. For a complete text of this fragment with translation see the Appendix to this volume.

[31] The current orthodoxy, e.g. Andrewes (1982) 377–382. The principal exception is Harris (1997), cf. Harris (2002) (the liberation of slaves is literal but the uprooting of *horoi* is metaphorical, and these have nothing to do with the *hektêmoroi*, who were men paying protection money). For other interpretations of fr. 36 , the *horoi*, and the *hektêmoroi* advanced at the conference see the contributions of Martin, van Wees and Ober to this volume.

bound to surrender a sixth of their produce to an overlord and could be enslaved if they failed to do so,[32] and with the *seisachtheia*, represented as a cancellation of all debts and a ban for the future on enslavement for debt.[33] There may have been some debts in addition to the obligations of the *hektêmoroi* which were cancelled, but I am among those who think that the major cancellation will have been of those obligations, and cancellation of all debts will be a later formulation of that (and, notoriously, Androtion refused to believe that the good Solon could have been responsible for such a revolutionary measure[34]). It seems reasonable to assume that there was a law of Solon which somehow banned the status of *hektêmoros* and enslavement for debt, and that the source of our sources had seen that law.[35]

Solon's responsibility for the linking of political rights to property classes[36] is rejected by Mossé[37] but accepted by Hansen (who suspects, as I do, that what Solon did was filter out the *pentakosiomedimnoi* from the highest of three already-existing classes).[38] It is embarrassing that the qualifications stated for *hippeis* and *zeugitai* would probably make the three highest classes a small, élite minority within the citizen body. I think we must conclude with de Ste. Croix in his recently published essays and with Rosivach that no law survived specifying the qualifications for those classes:[39] I should say that Solon inherited a system in which they were not specified, he did not himself specify them, and the figures in our sources are later guesswork; but there will have been a law creating and defining the *pentakosiomedimnoi*, and there will have been laws like that on the treasurers, linking eligibility for particular positions with membership of particular classes.

On the appointment of the archons we have the notorious disagreement between *Athênaiôn Politeia* and Aristotle's *Politics*, *Athênaiôn Politeia* writing of *klêrôsis ek prokritôn* and the *Politics* of election left unchanged.[40]

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32 *Ath. Pol.* 2.2, Plut. *Sol.* 13.4–5.

33 *Ath. Pol.* 6.1, Plut. *Sol.* 15.2–5.

34 Androtion *FGrH* 324 F 34 *ap.* Plut. *Sol.* 15.3–4.

35 This may also be how the terms *mortê* and *epimortos gê* (e.g. Poll. 7.151: 'in Solon') were preserved.

36 *Ath. Pol.* 7.3–8.1, Plut. *Sol.* 18.1–2.

37 Mossé (1979) 430–433.

38 Hansen (1991) 30; Rhodes (1981) 137; cf. also Osborne (1996) 221.

39 Foxhall (1997), with Rhodes (1997) 4; de Ste. Croix (2004) 5–72, esp. 48–49; Rosivach (2002). For other interpretations of the four classes advanced at the conference see the contributions of van Wees and Raaflaub to this volume.

40 *Ath. Pol.* 8.1–2; Arist. *Pol.* 2.1273b35–1274a3, 1274a16–17, 3.1281b25–34: I do think

For Hansen the disagreement proves that there was no good evidence available in the fourth century, but he thinks it impossible that allotment should actually have been introduced so early.[41] I have no difficulty in believing that, whereas *Athênaiôn Politeia* depends on a detailed and well-informed source, Aristotle did not check every historical example which he used in the *Politics*, and in this case simply wrote what he thought he knew. An element of allotment would make it easier for rich non-aristocrats to gain that access to the highest offices which Solon seems to have intended, while election for the first stage would prevent the appointment of men considered wholly unsuitable; *Athênaiôn Politeia*'s citing the still current law about the treasurers may be not proof that the law about the archons was inaccessible but a use of a familiar fact to support a less familiar fact. I do not, however, believe that previously the archons had been appointed by the Areopagus after an interview: the evidence for earlier practice will have been much less good than the evidence for Solon's arrangements,[42] and there I do think we have fourth-century speculation.

Solon created a council of four hundred to prepare business for the assembly; and he retained the council of the Areopagus as guardian of the laws, giving it the right to try *eisangeliai* against 'those combining for the overthrow of the *dêmos*'.[43] Mossé joins those who reject the four hundred;[44] Hansen is agnostic;[45] but there has never been good reason to disbelieve in it.[46] Plutarch's simile of the two anchors may be (though it is not necessarily[47]) derived from one of Solon's poems; there is one mention of the council in connection with the rise of Pisistratus,[48] and the council which Cleomenes tried to dissolve in 508/7[49] is best seen as the four hundred; the *bolê dêmosiê* of sixth-century Chios[50] was probably

this is a serious disagreement, but see Gehrke's contribution to this volume. The election of the archons is not mentioned by Plut. *Sol.*

41 Hansen (1991) 49–52.

42 Cf. Rhodes (1981) 146–150.

43 *Ath. Pol.* 8.4, Plut. *Sol.* 19 (Plutarch argues against those who claim that Solon created the Areopagus).

44 Mossé (1979) 434–435.

45 Hansen (1989a) 89; (1991) 30–31.

46 Cf. Rhodes (1981) 153–154.

47 Hansen (1989 a) 98 with n. 121, citing conversation and correspondence with A.B. Bosworth.

48 Diog. Laert. 1.49.

49 Hdt. 5.72, *Ath. Pol.* 20.3.

50 ML 8 trans. Fornara 19.

created beside or instead of an aristocratic council, and a new council would make sense in the context of Solon's attempt to weaken the old aristocracy. As for the Areopagus, I have argued in connection with Ephialtes that it may have used an official appellation as a justification for 'guarding the laws' in different ways at different times;[51] and I can believe that a law of Solon provided for men to *eisangellein* to the Areopagus—against 'those combining for a tyranny'[52] rather than 'those combining for the overthrow of the *dêmos*', but *Athênaiôn Politeia* would be perfectly capable of substituting a later formulation for the original.[53]

The law against neutrality[54] is not discussed by Mossé or Hansen, but it has had several attackers and several defenders. The main problem is a speech of Lysias, against a man who left Attica in the time of the Thirty, claiming that it had never been thought necessary to legislate against that;[55] but this need not be fatal to the law.[56]

In the judicial sphere, Solon is credited with the creation of a class of 'public' lawsuits in which *ho boulomenos* could prosecute, and with provision for appeals to a *dikastêrion* (the word *(h)eliaia* is found in a law of Solon quoted by Lysias and Demosthenes).[57] Osborne thinks that both 'have a good chance of being genuinely Solonian'.[58] That Solon created public lawsuits is generally accepted. Mossé accepts appeals but regards a popular *dikastêrion* as anachronistic, and conjures up appeals to the Areopagus;[59] Hansen is prepared to accept that Solon instituted the *(h)eliaia* (while rejecting as unjustified by the sources the common view of it as a judicial session of the assembly)—but he keeps open the possibility that Solon's institution of the *(h)eliaia* and also of public lawsuits are both fourth-century inventions.[60] Now certainly there was a Solonian court called *(h)eliaia*, and the law mentioning that court also

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[51] E.g. Rhodes (1981) 315–316.

[52] Cf. *Ath. Pol.* 16.10.

[53] Cf. Rhodes (1981) 156.

[54] *Ath. Pol.* 8.5, Plut. *Sol.* 20.1.

[55] Lys. 31. *Phil.* 27–28.

[56] Cf. Rhodes (1981) 157.

[57] *Ath. Pol.* 9.1, Plut. *Sol.* 18.2–3, 6–7; also Arist. *Pol.* 2. 1273b35–1274a5, 1274a15–18. *(H)eliaia* in law *ap.* Lys. 10. *In Theomn. 1.* 16, Dem. 24. *In Tim.* 105.

[58] Osborne (1996) 220.

[59] Mossé (1979) 433–434.

[60] Hansen (1982) = Hansen (1989 b) 219–257(–261). Although I still think he builds too much on Arist. *Pol.*, I am more sympathetic than I used to be (e.g. Rhodes 1981, 160) to his view of what the *(h)eliaia* was.

mentions *ho boulomenos* as prosecutor, which supports the attribution to Solon of 'public' lawsuits.[61] I find it credible that Solon should have instituted a procedure for appeals from a magistrate to the *(h)eliaia*, which developed into the classical procedure of *anakrisis* by a magistrate leading to trial in a *dikastêrion*.

Measures, weights and coinage interrupt an organised exposition in *Athênaiôn Politeia*, and probably do not come from the same source.[62] Here the greatest scepticism has been expressed by Crawford;[63] I go part of the way with him but not all the way.[64] Athens' earliest coins are later than Solon, so he cannot have done anything about them; but coins were named after the weights of silver which they comprised, so provision for weights could easily be imagined later to concern coinage. Athens had a larger *medimnos* than the Pheidonian, and it had 100 drachmae to the mina where the Aeginetan system had 70; but there is no need to suppose (as our sources do) that Solon had changed from those systems of measures and weights to different systems. Thus far I agree with Crawford; but Solon was already credited with measures and weights in 403,[65] and it is likely enough that his economic legislation did include some provision for the use of standard measures and weights.

As for the laws of Solon other than those relevant to the *Athênaiôn Politeia*'s concerns, a collection of laws which ran to at least twenty-one *axones* and which could have at least eight laws on one *axôn*[66] must have been extensive. In chapters 20–24 of his *Solon* Plutarch offers a selection of these other laws: beginning with the law on neutrality,[67] he moves on to laws on *epiklêroi*, dowries, speaking ill of the dead and (in some contexts) the living, bequests, funerals, learning a trade and the obligation of sons to support their fathers, adultery, sacrificial victims, wells and the planting of trees, the export of agricultural products, injuries inflicted by animals, grants of citizenship to immigrants, public meals in the *prytaneion*. The *axones* are cited for the law on sacrificial victims

[61] Law *ap*. Dem. 24. *In Tim*. 105, with, e.g., Harrison (1971) 166–167, Hansen (1982) 30–31 = Hansen (1989 b) 240–241.

[62] *Ath. Pol*. 10 (for a different source, see Rhodes 1981, 47, 54, 118, 163), Plut. *Sol*. 15.3–4 (citing Androtion *FGrH* 324 F 34).

[63] Crawford (1972).

[64] Rhodes (1975), (1977); cf. Rhodes (1981) 164–169.

[65] Decree *ap*. And. 1. *Myst*. 83 (quoted in n. 8, above).

[66] Twenty-first *axôn*, Harp. o 43 Keaney *s.v.* ὅτι οἱ ποιητοί; eighth law on thirteenth *axôn*, Plut. *Sol*. 19.4.

[67] Cf. *Ath. Pol*. 8.5: cf. above.

and for the ban on exporting agricultural products other than olive oil. Qualification of the right to bequeath property by a list of circumstances in which a will might be judged invalid is mentioned by *Athênaiôn Politeia*, briefly in the chapter summing up Solon's achievement and in more detail as an example of 'the laws of Solon which provided scope for disagreement' and for the exercise of jurors' discretion, which were annulled by the Thirty in 404:[68] that must, then, have been in existence by 404, and there is no reason why it should not have been Solonian.

Ruschenbusch's criteria of credibility and transmission allowed him to accept as authentic, outside the political realm, a variety of laws in such areas as the family and property, verbal abuse of and physical injury to the person, funerals, and the religious calendar; and comparison with early laws known from elsewhere, particularly the cities of Crete, makes it entirely credible that Solon in Athens at the beginning of the sixth century should have written down laws in these areas.[69] Ruschenbusch accepted all these laws discussed by Plutarch, and I think rightly so: it is possible though not certain that Plutarch derived them from that common source which I believe underlies his *Solon* and the Solonian chapters of *Athênaiôn Politeia*. Elsewhere in this volume Josine Blok discusses Solon's funerary laws, comparing early funerary laws from other Greek states and arguing that their purpose was not to limit competitive display by the élite or extravagance in the parading of women's grief but to minimise the dangers of pollution.[70]

Adele Scafuro makes the important point that we should not think of a black-and-white distinction between spurious and authentic laws attributed to Solon, but should allow for a third category, of laws which do indeed have an authentic Solonian kernel but underwent subsequent modification.[71] This means that the discovery of an anachronism need not imply that the whole law in which it is detected must be spurious.

At the end of his study of 'Solonian democracy' Hansen claims that *Athênaiôn Politeia* and the orators represent the same tradition attribut-

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[68] *Ath. Pol.* 9.2, 35. 2. The law is quoted by [Dem.] 46. *Stephanus 2.* 14 and referred to elsewhere by the orators; as it happens, of the references by the orators only Dem. 20. *In Lept.* 102 explicitly attributes it to Solon.

[69] It does not disturb me to be told that these laws amounted to a collection but not to a code, as Hölkeskamp argued at the conference. See now Hölkeskamp (2005).

[70] See Blok's contribution to this volume.

[71] See Scafuro's contribution to this volume.

ing to Solon an idealised version of the full Athenian democracy (in contrast to Isocrates and Aristotle's *Politics*, attributing to him a more limited democracy): this tradition, he says, credited Solon with a distinction between *nomoi* and *psêphismata*, with enactment of *nomoi* by *nomothetai* and the *graphê nomôn mê epitêdeion theinai* to be used against improper *nomoi* and their proposers; the sovereignty of the popular courts; the council of four hundred; the appointment of magistrates by lot; the general punitive power of the Areopagus.[72] Now *Athênaiôn Politeia* (and Aristotle in the *Politics*) did not believe that all the institutions of fourth-century Athens had been created by Solon. In fact in the *Athênaiôn Politeia* there is no mention of *nomothetai* (rather surprisingly); the distinction between *nomoi* and *psêphismata* is never directly expressed (though it may be detected behind passages on the period after Ephialtes, and on the final outcome of Athens' constitutional development[73]); and the *graphê* simply appears in the list of lawsuits falling to the *thesmothetai*, without any suggestion that it is ancient.[74] *Athênaiôn Politeia* represents the power of the *dêmos* in the *dikastêria* perhaps as the end result of a development started by Solon, rather than as a direct consequence of his provision for appeals;[75] and *Athênaiôn Politeia*'s attributing provision for appeals to him is not the same as Demosthenes' attributing the dicastic oath to him.[76] Solon's council of four hundred was certainly believed in by the oligarchs of 411, but none of the passages from the orators mentions the size of the Solonian council: the council appears incidentally as the result of the attribution to Solon of laws which are certainly later; most serious is a passage which credits Solon with the bouleutic oath.[77] For the appointment of magistrates by lot Hansen cites a passage in which Demosthenes attributes to Solon,

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[72] Hansen (1989 a) 90–99. Cf. Hansen (1982) 38–39 = Hansen (1989 b) 248–249, which lists as judicial and constitutional reforms ascribed to Solon in the fourth century (i) the enactment of laws by *nomothetai*, (ii) the distinction between *nomoi* and *psêphismata*, (iii) the *graphê nomôn mê epitêdeion theinai*, (iv) *eisangelia* to the Areopagus for overthrowing the democracy, (v) the council of four hundred, (vi) the *(h)eliaia* and appeals to it, (vii) public lawsuits—claiming that, since the first four are certainly anachronisms, the remaining three may be also. Mossé (1996) 1330–1333 sees more similarity between *Ath. Pol.* and Isocrates.

[73] *Ath. Pol.* 26.2, 41.2 *fin.*

[74] *Ath. Pol.* 59.2.

[75] *Ath. Pol.* 9.1 with 9.2.

[76] Dem. 18. *De Cor.* 6–7, 24. *In Tim.* 148.

[77] 411, *Ath. Pol.* 31.1; oath, Dem. 24. *In Tim.* 147–148 (in fact instituted in 501/00, according to probable emendation of *Ath. Pol.* 22.2).

certainly anachronistically, the double *dokimasia*, in the council and in a *dikastêrion*, of the *thesmothetai*, 'who are allotted to be responsible for the laws',[78] which is hardly strong evidence for a serious belief in Solon's institution of *klêrôsis ek prokritôn*—though, of course, if Solon did introduce a council of four hundred and *klêrôsis ek prokritôn*, belief in them by fourth-century orators would not be remarkable. The Areopagus did indeed gain enhanced judicial power in the third quarter of the fourth century, after people had started claiming that it had had more power in the good old days.[79] But I think that Hansen exaggerates the similarity between *Athênaiôn Politeia*'s and the orators' pictures of Solon, that *Athênaiôn Politeia* was seriously attempting to say what Solon had done while the orators were attributing to Solon the institutions of their own day; and I continue to believe that *Athênaiôn Politeia*'s account of Solon is history and not just myth.[80]

Bibliography

Andrewes, A. 1974. The Survival of Solon's *Axones*. In *Φόρος: Tribute to Benjamin Dean Meritt*, eds. D.W. Bradeen and M.F. McGregor, 21–28. Locust Valley.

Andrewes, A. 1982. The Growth of the Athenian State. In *CAH*² III, 3, 360–391.

Crawford, M.H. 1972. Solon's Alleged Reform of Weights and Measures. *Eirene* 10: 5–8.

de Ste. Croix, G.E.M. 2004. *Athenian Democratic Origins and Other Essays*, eds. D. Harvey and R. Parker. Oxford.

Foxhall, L. 1997. A View from the Top: Evaluating the Solonian Property Classes. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 113–136. London.

Hansen, M.H. 1982. The Athenian *Heliaia* from Solon to Aristotle. *C&M* 33: 9–47 = Hansen (1989b) 219–257(–261).

Hansen, M.H. 1989 a. Solonian Democracy in Fourth-Century Athens. *C&M* 40: 71–99 = W.R. Connor et al., *Aspects of Athenian Democracy*, 71–99. Copenhagen.

Hansen, M.H. 1989b. *The Athenian Ecclesia II*. Copenhagen.

78 Dem. 20. *In Lept.* 90; for the double *dokimasia* cf. *Ath. Pol.* 55.2.

79 See, e.g., Rhodes (1994) 572.

80 Contr. Hansen (1989 a) 99: 'To us the Solonian democracy is myth rather than history'—by which he means not that we can know nothing at all about what Solon did but that the picture of Solon as founder of the democracy is mythical (as he asked me to make clear in Rhodes 1993, 54 n. 5).

Hansen, M.H. 1991. *The Athenian Democracy in the Age of Demosthenes*. Oxford. 2nd ed. London 1999.
Harris, E.M. 1997. A New Solution to the Riddle of the *Seisachtheia*. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 103–112. London.
Harris, E.M. 2002. Did Solon Abolish Debt-Bondage? *CQ* n.s. 52: 415–430.
Harrison, A.R.W. 1971. *The Law of Athens*, ii. Oxford.
Hignett, C. *A History of the Athenian Constitution*. Oxford.
Hölkeskamp, K.-J. 2005. What's in a code? Solon's laws between complexity, compilation and contingency. *Hermes* 133: 280–293.
Mossé, C. 1979. Comment s' élabore un mythe politique: Solon, 'père fondateur' de la démocratie athénienne. *Annales (ESC)* 34: 425–437.
Mossé, C. 1996. Due miti politici: Licurgo e Solone. In *I Greci*, II. i, ed. S. Settis, 1325–1335. Torino.
Osborne, R. 1996. *Greece in the Making, 1200–479 BC*. London.
Rhodes, P.J. 1972. *The Athenian Boule*. Oxford.
Rhodes, P.J. 1975. Solon and the Numismatists. *NC* 7th series 15: 1–11.
Rhodes, P.J. 1977. Solon and the Numismatists: Postscript. *NC* 7th series 17: 152.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athênaiôn Politeia*. Oxford.
Rhodes, P.J. 1993. 'Alles eitel gold'? The Sixth and Fifth Centuries in Fourth-Century Athens. In *Aristote et Athènes / Aristoteles and Athens: Fribourg (Suisse) 23–25 mai 1991*, ed. M. Piérart, 53–64. Paris.
Rhodes, P.J. 1994. The Polis and the Alternatives. In *CAH*² VI, 565–591.
Rhodes, P.J. 1997. Introduction. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 1–8. London.
Rose, V. 1886. *Aristotelis qui ferebantur librorum fragmenta*. Leipzig.
Rosivach, V.J. 2002. The Requirements for the Solonic Classes in Aristotle, *A.P.* 7.4. *Hermes* 130: 36–47.
Ruschenbusch, E. 1958. πάτριος πολιτεία: Theseus, Drakon, Solon und Kleisthenes in Publizistik und Geschichtsschreibung des 5. und 4. Jh. v. Chr. *Historia* 7: 398–424.
Ruschenbusch, E. 1966. Σόλωνος νόμοι. *Die Fragmente des Solonischen Gesetzwerkes mit einer Text- und Überlieferungsgeschichte*. Wiesbaden.
Stroud, R.S. 1978. State Documents in Archaic Athens. In *Athens Comes of Age: From Solon to Salamis*, 20–42. Princeton.

CHAPTER TEN

LEGAL PROCEDURE IN SOLON'S LAWS

Michael Gagarin

The importance of Solon's procedural legislation[1] is signaled in a well known passage of the *Athênaiôn Politeia* (F 40a) listing Solon's 'three most democratic reforms': (1) the ban on loans on the security of the person, (2) allowing anyone who wished to prosecute on behalf of those who are wronged, and (3) the right of *ephesis* (transfer or appeal) to the jury court:

> δοκεῖ δὲ τῆς Σόλωνος πολιτείας τρία ταῦτ' εἶναι τὰ δημοτικώτατα· πρῶτον μὲν καὶ μέγιστον τὸ μὴ δανείζειν ἐπὶ τοῖς σώμασιν, ἔπειτα δὲ τὸ ἐξεῖναι τῷ βουλομένῳ τιμωρ[εῖ]ν ὑπὲρ τῶν ἀδικουμένων, τρίτον δὲ ⟨ᾧ καὶ⟩ μάλιστά φασιν ἰσχυκέναι τὸ πλῆθος, ἡ εἰς τὸ δικαστή[ριον] ἔφε[σι]ς. κύριος γὰρ ὢν ὁ δῆμος τῆς ψήφου, κύριος γίγνεται τῆς πολιτείας.
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> The following seem to be the three most democratic features of Solon's constitution: first and most important, the ban on loans on the security of the person; next, permission for anyone who wished to seek retribution for those who were wronged; and third, the one which is said particularly to have contributed to the power of the masses, the right of appeal to the jury-court—for when the people are masters of the vote they are masters of the state.[2]

At least two of these three reforms were procedural. The second established a new procedure available to anyone who wished to prosecute. In the classical period this form of prosecution was called a *graphê* and was distinguished from the traditional form of procedure, a *dikê*, which could only be brought by the victim of an offense (or, in the case of

[1] 'Substantive law and Procedural law are the two main categories within the law. Substantive law refers to the body of rules that determine the rights and obligations of individuals and collective bodies. Procedural law is the body of legal rules that govern the process for determining the rights of parties' (West 1998, vol. 10: 4). Procedural law often used to be called "adjective law" (see below). The two are not always clearly separated and can overlap (see below on *dikê exoulês*). I am grateful to all the participants at the conference for their contributions, direct and indirect, to this paper, but above all to the editors, Josine Blok and André Lardinois, first for organizing this very informative conference, and second for their many helpful comments on my paper.

[2] Translations of the *Athênaiôn Politeia* are based on Rhodes (1984).

homicide, by the relatives of the victim). By the fourth century the *graphê* was perhaps the most widely used kind of legal action. The third reform mentioned in *Athênaiôn Politeia*, appeal or *ephesis*, was also procedural; it expanded the range of litigation that would be heard by the law courts (*dikastêria*). In the fourth century any claim worth more than ten drachmas could ultimately be presented to a large popular jury. Finally, the first reform mentioned, the ban on loans secured by the debtor's person, may, like the other two, have been effected by means of a procedural change, such as a revision in the rules on collecting debts, but this reform could also have taken the form of a substantive law, for example, a penalty on someone who enslaved an Athenian for debt. The latter is perhaps more likely.

Now, it is certainly possible that the report in *Athênaiôn Politeia*, written some 250 years after Solon's reforms, misrepresents the importance of procedure in Solon's laws and reflects instead a fourth-century assessment of the role of procedure. Indeed, outside the *Athênaiôn Politeia*, evidence for procedure is widely scattered and relatively uninformative. *Ephesis* is not mentioned in any other ancient source, the right of anyone who wishes to prosecute is otherwise reported only by Plutarch (*Solon* 18.6),[3] in a passage that is probably based on the *Athênaiôn Politeia*,[4] and in general the fragments of Solon's laws gathered by Ruschenbusch contain very little procedural law. So the question arises, just how important was procedure for Solon? And if the *Athênaiôn Politeia* is correct, why do we have so little other evidence of procedure in Solon's laws? To answer these questions, we must first set forth the evidence.

[3] F 40b: 'He allowed everyone to bring suit on behalf of someone who had suffered wrong. If someone was struck or assaulted or injured, whoever was able and wished could indict and prosecute the offender. The lawgiver correctly accustomed citizens to understand and sympathize with one another, as parts of one body.' (παντὶ λαβεῖν δίκην ὑπὲρ τοῦ κακῶς πεπονθότος ἔδωκε. καὶ γὰρ καὶ πληγέντος ἑτέρου καὶ βιασθέντος ἢ βλαβέντος, ἐξῆν τῷ δυναμένῳ καὶ βουλομένῳ γράφεσθαι τὸν ἀδικοῦντα καὶ διώκειν, ὀρθῶς ἐθίζοντος τοῦ νομοθέτου τοὺς πολίτας ὥσπερ ἑνὸς μέρη ⟨σώματος⟩ συναισθάνεσθαι καὶ συναλγεῖν ἀλλήλοις).

[4] Rhodes (in this volume) suggests that a common source lies behind the accounts of Solon in Plutarch and *Ath. Pol.* Even if this is the case, however, Plutarch may still have been influenced by *Ath. Pol.* to see the importance of this reform.

Evidence of procedural innovations

We may begin with the measure granting to *ho boulomenos* ("the one who wishes," i.e. any Athenian citizen) the right to prosecute on behalf of someone who was wronged. Virtually all scholars consider this to be a genuine reform of Solon.[5] Whether Solon called the procedure a *graphê* is uncertain.[6] This name is first attested in the latter part of the fifth century,[7] and does not occur in the report in *Athênaiôn Politeia* 9.1.[8] As for the scope of the procedure, most scholars since Glotz have agreed that Solon did not allow anyone who wished to prosecute in all cases, but only in cases where the victim would be unable to bring suit himself.[9] The first such cases were probably those of a person enslaved for debt or sold into slavery by a parent, since the victim, being a slave, would be unable to sue for his freedom. Solon may also have allowed this procedure for maltreatment of parents and maltreatment of orphans, also cases where victims would often be incapable of bringing suit themselves.

The precise nature of the other procedural change cited as a democratic reform in *Athênaiôn Politeia* 9.1, *ephesis* to the *dikastêrion* (law court), is disputed.[10] The name *Athênaiôn Politeia* gives to the court, *dikastêrion*, is probably anachronistic, but it is very likely that Solon either created the *(h)eliaia* (the old name for the popular court), or continued the use of this court, perhaps with different duties. In that case, *ephesis* was perhaps the transferal of a case from the authority of a magistrate to the

[5] See Osborne (1996) 220 and Rhodes in this volume. Since Rhodes treats almost all the laws of Solon I discuss below, and since in each case he also refers to earlier scholars' discussion of the matter, I hereby refer the reader to his paper for all these subsequent laws.

[6] It is not entirely clear why this procedure was called a *graphê*, since writing seems to have been required only for filing the initial complaint with the magistrate; otherwise, writing had no more of a role in a *graphê* than it did in a traditional *dikê*. But a written complaint may have been the most obvious difference between this new procedure and the traditional *dikê*, in which the accuser pronounced the accusation orally.

[7] For instance: [Xen.] *Ath. Pol.* ("Old Oligarch") 3.2, Antiph. *Tetral.* 2.1.5, etc., Ar. *Vesp.* 894.

[8] The verb *graphesthai* in Plutarch's account (above n. 3) may be anachronistic.

[9] Glotz (1904) 371–372, Rhodes (1981) 160; cf. Ruschenbusch (1968) 48–53.

[10] Ruschenbusch (1966) does not include any provision concerning *ephesis* in his edition. F 40a cites the text of *Ath. Pol.* 9.1, but only in connection with the right of *ho boulomenos* to prosecute.

court rather than an appeal to the court to retry a case decided by the magistrate. But whichever it was,[11] most scholars accept that Solon instituted the procedure, which is reflected in the classical practice of holding a preliminary hearing before a magistrate and then conducting the full trial in the *dikastêrion*.

In addition to these two procedural innovations, *Athênaiôn Politeia* 8.4 (F 37b) reports that Solon enacted a law allowing impeachment (*eisangelia*).

> τοὺς ἐπὶ καταλύσει τοῦ δήμου συνισταμένους ἔκρινεν Σόλωνος θέντ[ος] νόμον εἰσα[γγ]ελ[ία]ς περὶ αὐτῶν.
>
> It [the council of the Areopagus] tried those charged with conspiring to dissolve the democracy, under the law of denunciation (*eisangelia*) which Solon enacted to deal with them.

The reliability of this report has been questioned,[12] and the expression for subversion (*katalysis tou dêmou*) is quite likely imported from later laws against subversion. Nonetheless, it is likely that Solon did create the procedure of *eisangelia*, perhaps some time after drawing up the bulk of his laws, when the threat of a coup by Pisistratus was becoming evident.[13]

Another law of Solon, attested in a scholion to Homer (F 36a), is the *dikê exoulês* (traditionally translated "suit for ejectment"):

> παρατίθεται Σόλωνος ἐν ε̄ ἄξονι 'ἐξούλης· ἐάν τις ἐξείλλῃ, ὧν ἄν τις δίκην νικήσῃ, ὁπόσου ἂν ἄξιον ᾖ, εἰς δημόσιον ὀφείλειν καὶ τῷ ἰδιώτῃ, ἑκατέρῳ ἴσον.'
>
> Enacted on the fifth axon of Solon: [the action of] Ejectment: If someone ejects someone from property won in a lawsuit, he shall owe whatever it is worth to the public (treasury) and to the private (litigant), equally to each.

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[11] Rhodes in this volume considers *ephesis* an appeal.

[12] As has the reliability of a later passage, *Ath. Pol.* 16.10 (F 37a), often cited in connection with 8.4: 'At that time [in the time of Pisistratus] the Athenians' laws about tyrants were mild, in particular the one relating to the setting-up of a tyranny. The law ran: 'This is an ordinance and tradition of the Athenians: if men rise with the aim of tyranny, or if any one joins in setting up a tyranny, he and his issue shall be without rights' (ἦσαν δὲ καὶ τοῖς Ἀθηναίοις οἱ περὶ τῶν τυράννων νόμοι πρᾷοι κατ' ἐκείνους τοὺς καιροὺς οἵ τε ἄλλοι καὶ δὴ καὶ ὁ μάλιστα καθήκων πρὸς τῆς τυραννίδος ⟨κατάστασιν⟩. νόμος γὰρ αὐτοῖς ἦν ὅδε· 'θέσμια τάδε Ἀθηναίων καὶ πάτρια· ἐάν τινες τυραννεῖν ἐπανιστῶνται [ἐπὶ τυραννίδι] ἢ συγκαθιστῇ τὴν τυραννίδα, ἄτιμον εἶναι καὶ αὐτὸν καὶ γένος).

[13] See Rhodes (1981) 156.

Although this procedure seems to have expanded its reach by the fourth century, for Solon the law was clearly intended to support a person who had been awarded property in a suit and was attempting to enforce that judgment and recover his property.[14] Strictly speaking, this law did not create a new form of procedure, but a new use of the traditional procedure of *dikê*. It could be considered a substantive law, moreover, setting a penalty (a fine) for the offense of ejectment, but it is also procedural in that it provides support for the enforcement of a judgment.[15]

A fifth procedural innovation likely instituted by Solon can be seen in the law on theft quoted in Demosthenes 24.105 (F 23d):

> ὅτι ἄν τις ἀπολέσῃ, ἐὰν μὲν ἀπολάβῃ, τὴν διπλασίαν καταδικάζειν, ἐὰν δὲ μή, τὴν διπλασίαν (mms. δεκαπλασίαν) πρὸς τοῖς ἐπαιτίοις. δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ τὸν πόδα πένθ' ἡμέρας καὶ νύκτας ἴσας, ἐὰν προστιμήσῃ ἡ ἡλιαία. προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμήματος ᾖ.
>
> If someone has lost something and recovers it, [the thief] shall be sentenced [to pay] twice the value; if he does not recover it, [he shall pay] twice [mss. ten times] the value in addition to the additional penalty. And his feet shall be put in stocks for five days and nights if the court imposes an additional penalty. And anyone who wishes (*ho boulomenos*) may propose the additional penalty during the penalty phase of the trial.

Demosthenes does not attribute this law to Solon but the use of *Eliaia* as the name for the popular court and of the archaic word *podokakkê* for stocks (cf. Lysias 10.16) indicate that it is an old law, and it is generally accepted as Solonian. And the procedural innovation of allowing *ho boulomenos* to propose an additional penalty bears an obvious resemblance to the first procedural reform discussed above (the *graphê*), though unlike the *graphê*, the idea that *ho boulomenos* could propose an additional penalty does not appear to have been incorporated into any other law besides the law on theft. One further observation about this law is that as a law on theft, it begins with the substantive rule establishing the penalty for theft and at the end adds the procedure for deciding one part of the penalty. We shall return below to this pattern of substance followed by procedure.

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[14] Harrison (1968) 217–220. The suit is best known from Demosthenes' attempts to recover his inheritance (Dem. 28–30).

[15] This is a case where substantive and procedural law overlap. Note that Harrison (see preceding note) includes his discussion of the *dikê exoulês* in his volume on "Family and Property," which is primarily a treatment of substantive law, but puts it in the chapter in that volume entitled "Procedural Protection."

These five reforms—*ho boulomenos*, *ephesis*, *eisangelia*, *dikê exoulês*, and theft (also *ho boulomenos*)—are the best attested of Solon's procedural legislation. Although their historicity has at times been subject to varying degrees of skepticism, most scholars today are inclined to accept them. The next question, then, is what do we make of this procedural legislation. And here it is notable that one feature common to all these procedures is that they give individual litigants a greater role in the judicial process.

The *graphê* (if that is what it was called), for example, was not the only possible response in situations in which victims could not sue on their own behalf, nor was it perhaps the most obvious means of helping these victims. At Gortyn, for example, there were special "orphan-judges" (*orpanodikastai*, *ICret* 4.72.12.11–12) who supervised the affairs of orphans. Solon could have taken this route and appointed new magistrates to protect the interests of orphans or of those unjustly enslaved. Instead, by creating the *graphê*, he chose to empower individual Athenian citizens rather than new or existing magistrates. In hindsight this move can be seen as setting the direction for a more democratic Athenian legal procedure in the future, for the method of prosecution by *ho boulomenos* was later expanded to many situations where the victim may have been capable of bringing suit himself (such as the *graphê hybreôs*) or where the victim was the collective citizen body (as in the *graphê paranomôn*). Moreover, by creating a new type of procedure, even if for only a few situations, Solon seems to have opened the way for the creation of other new types of procedure that could expand the role of ordinary citizens in the judicial system.

Ephesis, for example, would have had a similar effect—to diminish the influence of magistrates and give ordinary citizens a larger role in the judicial process. Even if the appeal initially went to the Areopagus rather than to the popular court, as some scholars have proposed, or was somehow limited in scope, the measure would nonetheless have given individual citizens a strong weapon to use against arbitrary or corrupt judicial magistrates. In addition, the procedure of *eisangelia* would also have had a similar effect as the *graphê* in providing another new judicial procedure whereby ordinary citizens could bring litigation to court. And the special role given to *ho boulomenos* in the law on theft was presumably inspired by the same desire to expand the role of ordinary citizens in litigation.

Finally, the *dikê exoulês* seems to have the same goal. Solon presumably enacted this law in response to difficulties inherent in the tra-

ditional use of self-help for enforcing judgments—most obviously the difficulty of collecting payment from a rich and powerful opponent. Solon thus instituted this procedural innovation, the *dikê exoulês*, to strengthen the hand of individual litigants in the legal process. The difficulty of enforcing judgments was a common problem in the archaic world—and indeed it was never entirely eliminated, as the succession of suits Demosthenes brought against his guardians demonstrates. Other archaic laws address this problem, and the common response in cities other than Athens (e.g. at Gortyn, Eretria) and even elsewhere in Solon's laws, is to make magistrates responsible for enforcing judgments, often by fining them if they do not.[16] Solon's response here was different—to strengthen the hand of the litigant rather than including magistrates in the process of enforcement. Like most of Solon's other procedural innovations, the principle underlying the *dikê exoulês*—that the winning litigant is responsible for enforcing the verdict—remained unchanged through the classical period.

One other piece of Solonian legislation apparently contained procedural and substantive rules together, namely a law regulating exports (reported by Plutarch, *Solon* 24.1, F 65):

> τῶν δὲ γινομένων διάθεσιν πρὸς ξένους ἐλαίου μόνον ἔδωκεν, ἀλλὰ δ' ἐξάγειν ἐκώλυσε· καὶ κατὰ τῶν ἐξαγόντων ἀρὰς τὸν ἄρχοντα ποιεῖσθαι προσέταξεν, ἢ τίνειν αὐτὸν ἑκατὸν δραχμὰς εἰς τὸ δημόσιον· καὶ πρῶτος ἄξων ἐστὶν ὁ τοῦτο περιέχων τὸν νόμον.

> Of growing things, he allowed the export of olive oil only, and he prevented the export of other things. And he directed that the archon should curse those who export, or else pay 100 drachmas to the public treasury. And the first axon is the one that contains this law.

Note that this is Plutarch's report of a law, not the text of the law itself, but if the report follows the order of provisions in Solon's actual text—and reference to the first axon suggests that Plutarch (or a source) actually read the text of the law—then it appears that Solon wrote a substantive rule restricting exports to olive oil, followed by a procedure for enforcing this restriction by means of a curse by the official in charge, or a payment by that official if he failed to curse the offender. Plutarch's brief report probably omits important parts of this law, so we should be careful about drawing conclusions from it, but if the report accurately reflects the original order of Solon's provisions, then we have

[16] Gortyn: *ICret* 4.14.*g-p*, line 1; Eretria: *IG* XII 9, 1273–1274, lines 6–9. See also below on F 65.

here another example of the substantive rule coming first followed by a procedural rule—the same pattern as in the law on theft in Dem. 24.105, discussed above.

F 65 differs from the other procedural laws of Solon in that it gives magistrates instead of ordinary citizens a greater procedural role. We can only speculate why this offense was treated differently, but I suspect it has to do with the fact that this legislation regulated a rather specialized area of commercial activity, the export market, supervised by magistrates who, it appears, would report offenses directly to the archon. The vast majority of citizens would have neither the knowledge nor the interest to keep an eye on activity in this market, and thus Solon made a magistrate responsible for punishing offenses.

In addition to the laws already cited, Solon appears to have written legislation concerning trial procedures. Evidence for this is collected in a section Ruschenbusch calls *Beweisrecht*—the law of proof or evidence (F 41–44), which I set out here:[17]

> F 41. **ἰδυίοι** (or **ἰδύοι**) = μάρτυρες ('witnesses'—Galen, Photius, Eustathius).
>
> F 42. δοξασταί (in Antiph. 5.94):
>
> κριταί εἰσιν οἱ διαγιγνώσκοντες, πότερος εὐορκεῖ τῶν κρινομένων· κελεύει γὰρ Σόλων τὸν ἐγκαλούμενον, ἐπειδὰν μήτε συμβόλαια ἔχῃ μήτε μάρτυρας, ὀμνύναι καὶ τὸν εὐθύναντα δὲ ὁμοίως. ('*doxastai*: they are judges who decide which of the litigants swears correctly. For Solon told the accused to swear an oath when he did not have contracts or witnesses, and similarly the accuser.'—Bekker, *Lex. Rhet.*)
>
> F 43. **ἀγχιστίνδην ὀμνύων** ('swearing an oath by members of the *anchisteia* [close relatives]'—Hesychius).
>
> F 44a. **τρεῖς θεοί·** παρὰ Σόλωνι ἐν τοῖς ἄξοσιν ὅρκῳ τέτακται· ('three gods; in Solon's *axones* it refers to an oath'—Hesychius).
>
> F 44b. **τρεῖς θεοὺς** ὀμνύναι κελεύει Σόλων, ἱκέσιον, καθάρσιον, ἐξακεστῆρα. ('Solon tells [him?] to swear by three gods—of supplication, purification, curing'—Pollux).

The key fragment is F 42: 'Solon told the accused to swear an oath when he did not have contracts or witnesses, and similarly the accuser.' This is not a direct quotation from Solon, only a report about his leg-

[17] Boldface indicates the words in F 41–46 that Ruschenbusch thinks are from Solon's original legislation, and I have shortened the references to sources. For full details, see Ruschenbusch ad loc.

islation, and the mention of *symbolaia* ("contracts") is clearly anachronistic. As far as we know, contracts did not exist in Solon's day, at least not in a written form in which they could be introduced as evidence in court.[18] But that Solon allowed, or perhaps required, litigants to swear oaths is supported by F 43 and F 44, which mention oath-swearing by the members of one's close kinship group, the *anchisteia*, in the name of the gods of supplication, purification, and curing—all probably names of Zeus. And the information in F 41 that Solon used an archaic word *iduioi* (or *iduoi*)[19] for witnesses instead of the later *martyres* may help confirm the report in F 42.

If Solon allowed or required litigants (and perhaps others) to swear oaths, this does not mean that he made use of exculpatory or other sorts of automatic or "action-deciding" oaths such as are found occasionally in Greek laws (e.g. in the Gortyn Code, 3.5–9).[20] Indeed, in the law referred to by F 42, at least, he cannot have required action-deciding oaths, since both sides were directed to swear. Rather, if F 42 refers to an actual law, it probably instituted an early form of the classical practice of both litigants swearing oaths at the beginning of a case. If so, this would be further evidence of Solon's interest in reforming legal procedures used by individual litigants.

Two other fragments that may also pertain to procedure are of less help in assessing Solon's procedural legislation:

> F 45. **αἱ ψηφῖδες** ('pebbles'—Schol. Hom.)
>
> F 46. **τριταία·** παρὰ Σόλωνι μὴ πλείω εἶναι τριταίας τὴν †κτίστην†. ('triple (?); in Solon the [??] is not more than triple (?)'—Hesychius)

In F 45, "pebbles" presumably refers to the votes cast by the jurors, but we cannot say whether Solon enacted legislation about voting or simply alluded to votes in passing. And the textually corrupt F 46 might have something to do with setting triple (?) penalties, but as preserved, the fragment is meaningless.

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[18] Even much later, in the fourth century, when written contracts did exist and could be used as evidence in court, the Athenians were reluctant to put much weight on them, let alone treat them as decisive; see Cohen (2003).

[19] Either form, *iduioi* or *iduoi*, is probably derived from εἴδω ('see, know'); cf. Homeric ἴστωρ.

[20] The term "action-deciding" is from Parker (2005).

Draco, Solon, and the meaning of procedure

This is all the evidence for procedural rules that can strictly be called Solonian. But before considering the significance of procedure for Solon, we must also look briefly at Draco's homicide law, which according to tradition, Solon left unchanged. Strictly speaking, this is a law of Draco, not Solon, but it may nonetheless shed light on early Athenian views of substantive and procedural law. Here are the first twelve lines of the law, up to the point where the text becomes fragmentary (*IG* I^3 104 [= F 5], lines 11–23).[21]

> Even if someone kills someone unintentionally, he is to go into exile. The kings are to judge guilty of homicide the killer or the planner (instigator), and the *ephetai* are to decide the case. Reconciliation shall be agreed to by the father, brother, or sons, all together, or the one who opposes it prevails. But if these are not alive, by those up to the degree of first cousin once removed and first cousin, if all are willing to be reconciled; the one who opposes it prevails. But if not one of these is alive and he killed unintentionally and the fifty-one, the *ephetai*, decide that he killed unintentionally, then let ten *phratry* members admit him, if they are willing; and let the fifty-one choose these by rank. And let those who killed earlier be bound by this ordinance. A proclamation is to be made against the killer in the *agora* [by the relatives] up to the degree of first cousin once removed and first cousin. The prosecution is to be shared by cousins and cousins' sons and sons-in-law and fathers-in-law and phratry members.

After the first sentence establishing the penalty for unintentional homicide (or, as I have argued, for all homicide), most of what follows in Draco is procedural, setting the roles of the kings and the *ephetai* in the trial,[22] establishing procedures for arranging a settlement between the killer and the victim's family, and specifying which family members are to participate in the initial proclamation and in the prosecution. The provision for retroactivity can also be classed as procedural, according to the definition offered above (note 1). The only substantive element among these rules is the statement that the planner is just as responsible as the actual killer.

[21] The text is based on the reinscription of the law in 409/8, as presented in Stroud (1968). As I have argued (Gagarin 1981), I consider this the original beginning of the law, though this issue is still controversial. For a brief account of different views see Tulin (1996) 8–9, n. 13.

[22] Although scholars today dispute the precise meaning of *dikazein* and *diagnônai* in sentence two (see Gagarin 2000, 569–570 with references to previous scholarship), the difference between them was presumably clear to the officials at the time.

It is important to note in this law not just the quantity of procedural law but the degree of procedural detail, especially in contrast to the lack of substantive detail. The law first sets the penalty succinctly—"if someone kills someone, exile"—adding only the qualification "even if unintentionally." There is no further information about intentionality or possible extenuating circumstances. Then responsibility is assigned to both the planner and the doer of the deed, but again no further detail is provided about, say, the degree of involvement necessary for someone to be considered a planner. By contrast, the procedures for settling with the victim's family and for the proclamation and the prosecution are spelled out at length and include detailed listings of relatives even in rather remote contingencies.

The reason why so much procedural detail is included in the law, I would argue,[23] is not the intrinsic importance of procedure so much as the greater potential for uncertainty and confusion that existed at the time with respect to these procedural rules. That exile was most common penalty for homicide, even unintentional homicide, was a well established tradition, bolstered by many examples in Homer and elsewhere.[24] Draco needed only to affirm that this was the rule for homicide in Athens, and Athenians were unlikely to need further details.[25] Issues concerning the facts of the case or the killer's state of mind would be decided at the trial. But the precise rules for reaching a settlement, especially in cases where the victim's relatives were divided on the matter or where there were no very close relatives, are not found in epic and probably had never before been established, and so Draco wrote down these rules in detail in order to prevent disputes over these details. This is not to deny the importance of procedure in itself. In general I would agree with Harris (see Harris' contribution to this volume), who approaches the matter from a very different perspective but also sees procedural regulations as characteristic of Solonian (as opposed to Near-Eastern) laws.

We cannot be certain how closely Solon adhered to Draco's practice in this regard in areas other than homicide. Of all the laws with procedural rules I have mentioned, only two, the laws on theft and on

[23] For a fuller discussion of this matter, see Gagarin (2007).

[24] E.g. *Iliad* 23.85–90 (Patroclus), *Odyssey* 15.271–282 (Theoclymenus). Less commonly a killer is killed in return (Aegisthus) or he pays compensation to his victim's family. All examples of homicide in Homer and Hesiod are collected in Gagarin (1981) 6–9.

[25] Further detail was, however, needed to specify the legal boundaries for a killer in exile. Draco provides these details later in the law (lines 26–29).

the *dikê exoulês*, are the actual texts of laws as opposed to paraphrased or fragmentary reports, and in both we probably have only part of the original text of Solon's legislation on the subject. Given that his laws may have filled 24 axones or more with perhaps 2,500 letters on each axon,[26] Solon must have written fairly extensively on many subjects, and it is reasonable to suppose that procedural details constituted a good part of his legislation, especially in view of his interest in procedural reform.

If, then, Solon not only made important procedural reforms (as reported in the *Athênaiôn Politeia*) but also, like Draco, included a considerable amount of procedural detail in his laws, why is so little of Solon's procedural legislation preserved? The answer probably lies in the nature of our sources. Most of our information about Solon's laws comes from later writers like Plutarch or Diogenes Laertius (I.55–57) who would see Solon's substantive legislation as evidence for his character and his public activity. Detailed procedural rules would interest such writers much less. Furthermore, at least one of Solon's laws (on theft) and perhaps a second (on exports) began, like Draco's law, with a substantive rule followed by rules of procedure. If most of Solon's other laws, for which we do not have full textual evidence, also began with the substantive rule, a later writer would be even more likely to notice and quote the first sentence or two of a law containing substantive rules than the later provisions which gave detailed procedural rules. The procedural details in F 41–46 are preserved by lexicographers and other later scholars mostly as lexical curiosities, not from any interest in procedure.

The same factors color later reports of Draco's legislation, which are mostly interested in the harsh penalties he prescribed and say nothing about his procedural rules. We can only fill in the gaps in the procedural sections of *IG* I^3 104 because these rules are cited in Demosthenes 43 to illustrate the duties of family members. Thus, the relative absence of evidence in our sources for Solon's procedural legislation is not surprising. The one exception was the author of the *Athênaiôn Politeia*, who was evidently interested in the constitutional implications of Solon's legislation, and thus he recognized the importance of some of Solon's procedural innovations. But of the three that he notes (*ho boulomenos*, *ephesis*, *eisangelia*), only one was deemed worth mentioning by Plutarch.

[26] See Ruschenbusch (1966) 25, with the criticisms of Stroud (1968) 60 n. 120; cf. Stroud (1979) 41.

As for the importance of procedure for Solon (and for Draco before him), more than a century ago, in an essay on "Classifications of Legal Rules." Sir Henry Maine posited a large-scale historical shift from the law codes[27] of early societies, where 'the Rules relating to Actions, to pleading and procedure' came first, to those of modern societies where these rules 'fall into a subordinate place and become, as Bentham called them, Adjective Law'.[28] As Maine saw it, the shift began with the Roman jurists' classification of law, in which Persons and Things come first, followed by Actions. Like many of Maine's grand generalizations, this one contains nuggets of truth, and the idea that procedure is in some sense primary in Greek law is now widely, though not universally, accepted.[29] Maine's explanation for the difference between early and later legislation is that early societies were primarily concerned with ensuring that disputing parties make use of the judicial system, which was then relatively new, and thus they put procedural rules at the beginning of their legislation. Only after getting the parties into court, did the early legislator consider the subject-matter of their disputes. In one of his most famous sayings, Maine remarks that from a modern perspective, 'substantive law has at first the look of being gradually secreted in the interstices of procedure'.[30]

Maine's theory has considerable value as a general explanation of the importance of procedure in early law. It is supported by the early codes he cites, such as the Twelve Tables, the Salic Laws, and the Laws of Manu, and would later be supported by the Gortyn Code, which had not yet been discovered when Maine wrote. Draco's law, however, begins with substance, not procedure, and we know that at least one, and perhaps more, of Solon's laws did too. It seems then, that contrary to Maine's view, in Draco and perhaps in much of Solon substantive

[27] I use the term "code" in the relatively loose sense that it is used by most scholars discussing ancient law. Hölkeskamp has argued that Solon did not write a code in the modern sense of an "abstract, logical systematization of all substantive law and legal procedure" ('von einer "logisch-abstrakten Systematisierung" des gesamten materiellen Rechts und des Verfahrenrechts kann dennoch keine Rede sein', Hölkeskamp 1999, 263), but no modern scholar to my knowledge thinks Solon did this. Rather, the word "code" can usefully distinguish the accomplishment of Solon, or the large fifth-century collection of laws we call the Gortyn Code (*ICret* 4.72), from other early legislation which, as far as we can tell from the incomplete epigraphical record that survives, was often enacted one law (or only a few laws) at a time.

[28] Maine (1883) 389.

[29] E.g., Todd (1993); but note the qualifications of Carey (1998).

[30] Maine (1883) 389.

law preceded procedural law. Even though procedure follows substance in the text, however, procedure was clearly very important for Draco, as it was for Solon; and both Draco's inclusion of many procedural details in the homicide law and Solon's creation of new procedures exemplify the concern that Maine identifies as primary in early societies, the desire to bring disputing parties into court. If ordinary people are going to use the courts, procedures need to be available that they can use, and they need to know the rules that pertain to these procedures.

Thus, the two lawgivers provided new means whereby people could bring cases to court and full details about how to make use of these and more traditional procedures. Solon's new procedures, in particular, opened up the judicial process in ways that culminated in the dominant role of the courts in the fourth century. And like Draco, he may have added procedural details to many of his laws to help people use both new and old forms of procedure. With these developments, early Athenian legislation established the tradition of conveying procedural information directly to potential litigants and thereby either bypassing magistrates entirely or restricting their authority to rule on procedural matters.

The expansion of procedural law in these ways was thus the means whereby Draco and Solon encouraged more citizen participation in the legal process. We probably cannot call this democracy, for it is clear that Solon did not give the people everything they wanted, but was careful to empower the citizens whom he was seeking to help without posing an immediate threat to the lives of the rich.[31] But even if he did not envision any form of democratic government, his procedural legislation set the course for the democratic future of Athenian law. If the laws of Cleisthenes and Ephialtes were more directly responsible for the democratic legal and political system of the fifth and fourth centuries, these later reforms grew directly out of the procedural legislation of Solon a century earlier. For these reasons, I think, the *Athênaiôn Politeia* is correct to see Solon's legal reforms as democratic.

[31] As he tells us himself in poems 36.18–27, 37. For a complete text of this fragment with translation, see the Appendix to this volume.

Bibliography

Carey, C. 1998. The Shape of Athenian Laws. *CQ* 48: 93–109.
Cohen, D. 2003. Writing, Law, and Legal Practice in the Athenian Courts. In *Written Texts and the Rise of Literate Culture in Ancient Greece*, ed. H. Yunis, 78–96. Cambridge.
Gagarin, M. 1981. *Drakon and Early Athenian Homicide Law*. New Haven.
Gagarin, M. 2000. The *Basileus* in Athenian Homicide Law. In *Polis & Politics: Studies in Ancient Greek History Presented to Mogens Hansen on His Sixtieth Birthday, August 20, 2000*, eds. P. Flensted-Jensen, Th. H. Nielsen, and L. Rubinstein, 569–579. Copenhagen.
Gagarin, M. 2007. From Oral Law to Written Laws: The Example of Homicide. *Symposion* 7/2005, forthcoming.
Glotz, G. 1904. *La solidarité de la famille dans le droit criminel en Grèce*. Paris.
Harrison, A.R.W. 1968. *The Law of Athens*. Vol. 1: *The Family and Property*. Oxford.
Hölkeskamp, K.-J. 1999. *Schiedsrichter, Gesetzgeber und Gesetzgebung im archaischen Griechenland*. (*Historia Einzelschrift* 131). Stuttgart.
Maine, Sir H. 1883. *Dissertations on Early Law and Customs*. London.
Osborne, R. 1996. *Greece in the Making 1200–479 BC*. London.
Parker, R. 2005. Law and Religion. In *The Cambridge Companion to Greek Law*, eds. M. Gagarin and D. Cohen, 61–81. Cambridge.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athênaiôn Politeia*. Oxford.
Rhodes, P.J. 1984. *Aristotle, The Athenian Constitution*. Trans. with notes. Harmondsworth.
Ruschenbusch, E. 1966. Σόλωνος νόμοι. *Die Fragmente des Solonischen Gesetzwerkes mit einer Text- und Überlieferungsgeschichte*. Wiesbaden.
Ruschenbusch, E. 1968. *Untersuchungen zur Geschichte des athenischen Strafrechts*. Köln.
Stroud, R.S. 1968. *Drakon's Law on Homicide*. Berkeley and Los Angeles.
Stroud, R.S. 1979. *The Axones and Kyrbeis of Drakon and Solon*. Berkeley and Los Angeles.
Todd, S.C. 1993. *The Shape of Athenian Law*. Oxford.
Tulin, A. 1996. *Dike Phonou: The Right of Prosecution and Attic Homicide Procedure*. Stuttgart and Leipzig.
West's 1998. = *West's Encyclopedia of American Law*. St. Paul.

CHAPTER ELEVEN

THE FIGURE OF SOLON IN THE *ATHÊNAIÔN POLITEIA*

Hans-Joachim Gehrke

An attempt at finding new ideas or gaining fresh insight in the *Athênaiôn Politeia*, and in particular on the role of Solon in this work, may seem hazardous or even futile, especially after the magisterial commentary by P.J. Rhodes and Mortimer Chamber's intelligent remarks.[1] However, re-reading the *Athênaiôn Politeia* and other relevant parts of Aristotle's works, notably the *Politics*, focusing on the relationship between them, I have come to the conclusion that some current views on the *Athênaiôn Politeia* and Aristotle's interpretation of Solon's achievements deserve reconsideration. This concerns not only the issue of authorship, but also, and even more, the methods and sources used by Aristotle in reconstructing historical topics and events. By shedding light on *Aristoteles historicus*, I hope to show at least one way toward a reconstruction of the historical figure of Solon.

The Figure of Solon in Aristotle's Politics

I would like to start with an analysis of a section of the *Politics* that gives Aristotle's main ideas on Solon and his achievements, chapter 12 of book two.[2] Here, Aristotle is dealing with lawgivers who not only treated constitutional matters theoretically, but also acted as politicians and concrete legislators, some of whom, like Lycurgus and Solon, established both laws and constitutions. It is clear from the very beginning that, in presenting Solon's work, Aristotle departs from and is oriented towards a debate (ἔνιοι… οἴονται) or, more precisely, towards the question if Solon was a good lawgiver (νομοθέτην… σπουδαῖον) or not. The criterion for deciding this was the quality of the constitution created, and the best constitution was a mixed one. Some answer the ques-

[1] Rhodes (1981); Chambers (1990). I am very grateful to Josine Blok and André Lardinois for the invitation to contribute to the most interesting conference and to its acts.

[2] Arist. *Pol.* 2.12.1273b27–1274a21.

tion in the affirmative, saying that Solon abolished a rigid oligarchy, freed the people from serfdom and established the ancestral democracy by wisely installing a mixed constitution consisting of oligarchic, aristocratic, and democratic elements. These elements were the existence of the council of the Areopagus (oligarchic), the filling of magistracies by election (aristocratic), and the creation of popular courts (*dikastêria*) (democratic). This position adopted by some (ἔνιοι) is only slightly modified or defined more precisely by Aristotle, who points out that two of the institutions, the Areopagus and the election of magistrates, were already in existence before Solon, who simply refrained from dissolving them (οὐ καταλῦσαι, 1274a1 f.). Solon's real innovation was the introduction of popular law courts selected from 'all the people' (ἐκ πάντων, 1274a2 f.), by which he installed the popular element in the constitution.

The reference to the democratic feature leads Aristotle to present the opposing view in the debate about Solon, the view of Solon's critics, who reproach him for being too democratic, i.e. for not having created a mixed constitution. One must be aware here that the criterion of judgement remains the same. The decisive point criticized by this party is that Solon destroyed the two non-democratic elements by giving the supreme power to the law courts, the members of which were appointed by lot. Because of the courts' strength, people started to flatter them like a tyrant and thus democracy could gain its present, i.e. extreme form. In this way, Solon is seen less favourably, namely as the founder of radical democracy, as a forerunner of Ephialtes and Pericles.

In the third part of the section, Aristotle defends Solon against his critics by underlining that the abovementioned development to extreme democracy had not been due to Solon's intentions (προαίρεσιν, 1274a12) but rather to certain coincidental circumstances (ἀπὸ συμπτώματος, ibid.). The establishment of the extreme kind of democracy was caused by concrete historical conditions: the role the people, in particular the common people, played in building up Athenian maritime power during the Persian Wars and its orientation towards bad demagogues in spite of the opposition of the upper and educated classes (ἐπιεικεῖς). By contrast, Solon conceded to the people only the degree of power necessary to prevent them from being enslaved and from the resulting feelings of hostility against the political system, i.e. the right to elect office-holders and to call them to account. In addition, Solon limited the holding of offices to the higher classes.

It is therefore obvious that Aristotle considered Solon to be a good lawgiver. Not responsible for the deterioration of the political order, he had originally created a constitution of high quality, the mixed constitution of Athens. Aristotle is here joining others—ἔνιοι—and we may particularly think of Isocrates and intellectuals and writers influenced by him. But we may even have Plato in mind, who favoured the mixing of constitutional elements too,[3] and referred to Solon as a good lawgiver.[4]

An additional and quite important aspect of Solon's high reputation as a lawgiver is pointed out in another section of the *Politics*.[5] He is characterized there as a *mesos politês*, as belonging to the middle sort of politicians, according to his economic position. Thus he tends, as Aristotle implicitly supposes, towards a constitution which lies between the extremes. If one takes into consideration Aristotle's concept of virtue as a mean between extremes, one can easily detect another reason why he judged Solon's activities as a legislator positively.

Correspondences between the Politics *and the* Athênaiôn Politeia

The *Athênaiôn Politeia* deals with Solon in a longer passage,[6] which is well prompted by the passages before, as particularly J. Keaney has pointed out.[7] Though not as obviously as the chapters of the *Politics*, the *Athênaiôn Politeia*-section is nevertheless also focused on a debate, even on the same topic, that is to say on the question whether Solon was a good lawgiver. This character of the Solon-passage in *Athênaiôn Politeia* is especially manifest in chapter 9, where a discussion is explicitly alluded to.[8] In this chapter, the author of *Athênaiôn Politeia* on the one hand—in the course of his sequential description of Solon's measures—gives information regarding the administration of justice, but this information is, on the other hand, embedded in a discussion about Solon's qualities, especially concerning the problem whether he

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[3] Cf. Walbank (1957) 640; Aalders (1968) 205–208; Schütrumpf and Gehrke (1996) 118.

[4] Pl. *Resp.*10.599e. For Plato on Solon and on mixed constitution see esp. Morrow (1960) 79–84.

[5] Arist. *Pol.* 4.11.1296a18–20.

[6] *Ath. Pol.* 5–12, summarized and structured by Rhodes (1981) 46f., 119.

[7] See below note 10.

[8] δοκεῖ, 9.1, cf. Rhodes (1981) 159.

can be seen as the founder of radical democracy—which would, as in the *Politics*, lead to a negative assessment.

After the digression on Solon's regulations on measures, weights, and coinage in chapter 10 (which was, according to Rhodes, provoked by Androtion's problematic interpretation of the *seisachtheia*), the discussion is continued in chapters 11f. with regard to vivid controversies which had begun already during Solon's lifetime, and it is characterized by long quotations from his poems given as evidence for his political orientation.

The tenor is absolutely the same as in the *Politics*. Before the mentioned quotations (chapter 12), the high reputation of Solon's legislation and his commitment to the wellbeing of his community are explicitly stated in 11.2.[9] And the criterion for the positive judgement is, like in the *Politics*, the *mesotês*, the position between the extremes, which are here represented by the diverging interests of the elite and the lower classes. This position is especially accentuated by the rich quotations from different Solonian poems.

If we take a closer look we can even discover that the whole passage on Solon is oriented towards debating the lawgiver's qualities from the beginning, in chapter 5 (1f.). The author there describes the extraordinary conflicts preceding Solon's election to *diallaktês* and *archôn*, thus underlining the extreme positions the legislator was confronted with. Then he introduces Solon immediately, in contrast to, but in connection with this dichotomy, as a *mesos politês*, and he verifies this statement, as in the end of the Solonian passage, by citing some Solonian verses. So we can find in the *Athênaiôn Politeia* not only clear references to a debate but we are allowed also to state that the crucial point of this debate, Solon's position as a man between opposite extremes, is presented in the beginning and in the end of the relevant discussion, thus framing it in a kind of ring composition.[10]

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[9] Even if we are here—according to Rhodes (1981) 171—near to Solon's wording we have to admit that the author does not only give a quotation but also accepts this judgement himself.

[10] For ring composition in general, see Keaney (1992); for the organization of the Solonian chapters in general: cf. Rhodes (1981) 46f. According to Keaney, chapters 2–5 of the *Ath. Pol.* are composed with reference to the Solon-passage as a presentation of the economic and political constellation Solon had to react to (cf. Rhodes 1981, 46 with n. 223). If one takes these observations into account, the 'ring' comprised an even greater part of the *Ath. Pol.* Thus chapters 2–12 form an 'organized whole' (Rhodes 1981, 28) with chapter 9 'directly in the middle' (Keaney 1992, 23).

Besides that, there is a special discussion in 6.2–4 concerning certain accusations against Solon of enrichment during the abolition of debts. This discussion ends with a strong refutation—which is, as we shall see later, methodologically interesting—, clearly in favour of Solon, and can therefore also be seen as part of the great debate on Solon's reputation. So, we can summarize that there are strong similarities between the *Athênaiôn Politeia* and the *Politics* in approaching Solon, his figure and his legislation. This conceptual correspondence can be confirmed by further correlations.

Firstly, in content and in opinions:

a) In both cases (*Pol.* 1273b34; *Ath. Pol.* 7.1), Solon is not only creator of laws, but also founder of a constitution. He put laws into effect and set up a political system.[11]

b) As we have already seen, the main reason for considering Solon a good legislator was his intermediate position, the *mesotês* of his economic standing and his political and social orientation. He is explicitly called a *mesos* in both works, and this statement is confirmed by a reference to his poems and a quotation, respectively.[12] The *mesotês*-argument fits neatly with the apologia against the view of Solon as a radical democrat. Although he is twice called 'champion of the people' (προστάτης τοῦ δήμου) in the *Athênaiôn Politeia* (2.2; 28.2), he is not

[11] I cannot discuss here in detail the problem whether there was actually a kind of constitution behind or within Solon's laws. The scholarly debate tends towards reducing the constitutional aspect interpreting it as anachronistic. This is, in my opinion, not completely justified. It is obvious that Solon himself spoke of *thesmoi* (Rhodes ad 12.4) and Herodotus of *nomoi* (1.29.1f., 2.177.2) when mentioning the legislator's activities and that *politeia* was a later theoretical concept of societal and political order (see esp. Bordes 1982 and now Piepenbrink 2001). But one might admit, I think, that Aristotle, with this concept of *politeia* in mind, identified those Solonian laws that concerned the public sphere (as summarized e.g. in *Pol* 3.6.1278b8ff.), the "constitutional laws" in the wording of Rhodes, as an ensemble being characteristic for his *politeia.* From Aristotle's orientation towards law and observation of laws as crucial for the character and stability of a constitution (*politeia*) it seems obvious to me that we need not draw a strict distinction between the *nomoi* and the *politeia.* For a direct connection between *politeia* and *nomoi* see also [Plut.] *De def.or.* 413e.

[12] Arist. *Pol.* 4.11.1296a18ff.; *Ath. Pol.* 5.3—although the verses cited do not justify the interpretation and Solon was economically most probably not on a middle level, see Davies (1971) 322f.; Rhodes (1981) 123.

portrayed as the type of extreme demagogue there,[13] but as the representative of a former and better political system.[14]

c) Accordingly, Solon is clearly separated from later democracy. The development that led to radical reforms cannot destroy nor reduce his high reputation because what happened did not happen according to his intentions. Here the *Politics* and the *Athênaiôn Politeia* are in full agreement with each other in considering the extreme system of Ephialtes and Pericles not as a result of what Solon had planned,[15] but as a consequence of certain historical and political circumstances and occurrences.[16] Even these accidental, i.e. concrete historical elements and the causes of the special development are precisely the same in both works: Athenian sea power[17] and overwhelming influence of bad demagogues.[18] So Solon's legislation was only a point of departure, and this only seen *ex post*, from which the way to democracy began.[19]

d) Furthermore, in both passages the relevant democratic phenomenon is seen in the people's role as jurors in the courts.[20] In this respect, entrusting the *dêmos* with an important task in the judicial system was the decisive measure that enabled the people to become in the long run the *kyrios pantôn*,[21] thus allowing the later development to take place. The *Athênaiôn Politeia* has the institution of the people's assembly (*ekklêsia*) as another element of the *dêmos'* rule, but the assembly's importance is implied in the *Politics* too, where in 1274a16f. elections are mentioned alongside the people's right to call to account the magistrates (*euthynai*), which took place in the assemblies and—according to the investigation of the *logistai* or *euthynai* -in the law courts respectively.[22]

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13 But so already in Ar. *Nub.* 1187 as *philodêmos*.

14 *Ath. Pol.* 22.1, 27.1, and esp. 41.2.

15 προαίρεσιν, *Pol.* 74a12; βούλησιν, *Ath. Pol.* 9,2.

16 σύμπτωμα, *Pol.* 74a12; συνέβη, *Ath. Pol.* 41.2, cf. Chambers (1990) 327.

17 ναυαρχία, *Pol.* 74a12ff.; θαλάττης ἀρχή, *Ath. Pol.* 41.2, cf. Chambers (1990) 327.

18 δημαγωγοὺς.. φαύλους, *Pol.* 74a14f.; διὰ τοὺς δημαγογοὺς ἁμαρτάνειν, *Ath. Pol.* 41.2.

19 ἀφ' ἧς ἀρχὴ δημοκρατίας in *Ath. Pol.* 41.2, to be compared with *Pol.* 74a10f. where a 'development' (αὔξων) of the democracy is mentioned from Solon to the present system; for *auxêsis* in this sense of 'development', see Keaney (1992) 21ff.

20 See Gagarin's contribution to this volume.

21 *Pol.* 74a2ff.; *Ath. Pol.* 7.3, 9, see Harris' contribution to this volume.

22 Cf. *Pol.* 3.11.1281b32ff., 6.2.1317b25ff.

e) These rights of the *dêmos*—election and control of the magistrates—are characterized in *Pol.* 1274a15f. as a necessary concession to the people, in order to prevent them from being enslaved by the ruling classes and from being therefore hostile to the whole political system. This is in accordance with *Athênaiôn Politeia* 12.1 where—as a demonstration of Solon's intermediate position—some verses are cited that underline the limits Solon drew in giving honour (γέρας) to the *dêmos*.[23]

f) Consequently, in both works it is the council of the Areopagus, considered as the counterpart of both the people and the democratic element, which represents the oligarchic side of the constitutional system.[24] It was its dominant position before Solon that meant enslavement for the people. Here one may detect a slight difference between our two texts since in *Athênaiôn Politeia* 2. 2 'slavery' (δουλεία) is related to the economic field while in *Pol.* 73b18 it refers to the political system. But political or constitutional features are seen as a part of the people's serfdom in the *Athênaiôn Politeia* too: in 2.3, the people are characterized as being deprived of any participation whatsoever (οὐδενὸς… μετέχοντες) before Solon, and this must refer, according to the wording, particularly to political rights. On the other hand, in the *Politics*, albeit in other sections, Aristotle is fully aware of the economic aspects of Solon's reforms: in 2.7.1266b1ff., he mentions a law confining the possession of land, and in 1.8.1256b30ff., he quotes a critical remark about wealth from a Solonian poem. The differences between the texts discussed here are therefore not substantial in this respect. They may be due to a different focus or abbreviations within the main passage in the *Politics*.

There is, secondly, significant correspondence between the *Politics* and the *Athênaiôn Politeia* in terms of method and argumentation.[25]

a) How convincing results are to be reached is explicitly stated in *Athênaiôn Politeia* 6.4: the author draws here conclusions from a given situation or from certain occurrences (πράγματα), he uses first-hand source-material, in this case Solonian poems, and other authorities (οἱ

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[23] Plut. *Sol.* 18.5 has a more radical reading (κράτος instead of γέρας), see Lardinois' contribution to this volume.

[24] *Pol.* 73b35ff.; *Ath. Pol.* 2.2, 3.6, cf. 4.4, where its powers are reduced, but there it is part of the interpolated Draconian constitution.

[25] Cf. Keaney (1992) 29ff.; Camassa (1994) 161f.

ἄλλοι πάντες). Points two and three (use of Solonian poems and other authorities) are likewise mentioned in 12.1. As we have already seen, Aristotle considers the historical situation and makes use of Solonian poems (*Pol.* 1296a20) and of other works in the *Politics* as well.[26]

b) The way the poems of Solon and Tyrtaeus are used in the *Politics* leads to another methodological observation. The poetical works are mentioned or cited as a means to make something manifest, to demonstrate a case or a statement. They are introduced with wordings like 'it is plain from' (δῆλον ἐκ, δηλοῖ ἐκ). Emphasis is put on clear signs, indications, testimonies, in a word: on evidence. As for instance in Thucydides, words like *marturei, tekmêrion, sêmeion* are used, which are characteristic of a specific kind of arguing. In addition, the presentation and demonstration of evidence is normally joined to conclusions from plausibility or, more generally, from logical reflections. Carlo Ginzburg has recently observed, by thoroughly analysing Aristotle's *Rhetoric*, that the combination of evidence and reasoning is very characteristic of Aristotle's way of thinking.[27]

These methods, which are fundamental for Aristotle, are also being used throughout the *Athênaiôn Politeia*; I have just pointed out this type of argumentation from *sêmeia*. Additionally, P.J. Rhodes and M. Chambers have clearly observed that the author very often argues from plausibility and that this is typical of his method.[28] Significant in this context is, for example, the frequent use of the word *eulogos* in the *Politics* and in the *Athênaiôn Politeia*.[29] To this one may add vocabulary which Rhodes calls 'language typical of fourth-century rationalism' (128) in commenting on *Athênaiôn Politeia* 6.3f., where one finds expressions such as 'the version is more probable; for it is not likely; it is shown (and proved by evidence); it is to be considered' (πιθανώτερος ὁ λόγος, οὐ γὰρ εἰκός, μαρτυρεῖ, χρὴ νομίζειν). Furthermore one has to take into account the frequent use of terms like 'it seems' (δοκεῖ) in the sense of describing common opinions.[30] All this fits very well into the concept and meaning of the *enthymêmata* conceptualized in Aristotle's *Rhetoric*, on which Ginzburg

[26] For instance a poem of Tyrtaeus in 5.7.1306b33.
[27] Ginzburg (2001) 47–62, cf. Gehrke (1993) 13.
[28] See esp. Rhodes (1981) 59; Chambers (1990) 85 with examples.
[29] Rhodes (1981) 26f., 143; Keaney (1992) 31.
[30] As in *Ath. Pol.* 9.1, with Chambers (1990) 182.

recently placed special emphasis. As familiar facts they are used as *sêmeia* and *tekmêria*, 'to support the reasonableness of a conclusion.'[31] One might say that we recognize here a philosophical and especially Aristotelian way of dealing with history and politics. Typical of this method is also the preference for terms like 'dispute' (ἀμφισβήτησις), pointed out by Rhodes,[32] which leads us back to our remarks on the debate-oriented presentation of Solon's figure in the *Politics* and in the *Athênaiôn Politeia* as well.

c) I have to omit other correlations between *Politics* and *Athênaiôn Politeia*, for instance in language,[33] and especially in the use of sources, like, for instance, the role of Isocrates regarding the position and the responsibilities of the Areopagus,[34] or the use made of documents and poems.[35] I would only like to confess a feeling of uneasiness: the tendency of many scholars to ascribe the quotations of poems or documents to intermediate sources and to disprove Aristotle's and the author of *Athênaiôn Politeia*'s direct reading seems to me a bit biased.[36]

Thirdly, there seems to remain only one essential contradiction between the two texts. In *Ath. Pol.* 8.1 we are informed that Solon established the appointment of the magistrates by lot out of a body of candidates selected previously by each of the Athenian tribes (ἐκ προκρίτων) while, in ancient times, it was the right of the Areopagus to appoint suitable persons for the various offices (8.2). This seems to be inconsistent with observations in the *Politics* (1273b35ff.), where Aristotle speaks of appointments of magistrates by election and explicitly states that Solon did not destroy the Areopagus and the elections. But perhaps the differences are not as considerable as one normally assumes.[37]

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[31] Rhodes (1981) 59; cf. Ginzburg (2001).

[32] Rhodes (1981) 39, 103.

[33] Rhodes (1981) 171 (the differences can easily be explained by the different type and aim of the works). For specific correspondence see Keaney (1992) 13.

[34] Isoc. 7.35, 46, cf. 30–35 in general; Rhodes (1981) 108; Chambers (1990) 153.

[35] For the *axones* in this context see Ruschenbusch (1966) 40ff.; Rhodes (1981) 131ff; and now see Blok's contribution to this volume. For the use of poems in the *Politics* cf. Morrow (1960) 81.

[36] Chambers (1990) 168ff. for example, following authorities like G. Busolt and F. Jacoby, is sceptical about the authenticity of Aristotle's work on Solon's *axones*. But I can simply see no sound argument in this respect.

[37] Cf. in general Schütrumpf (1991) 370 with further references. P.J. Rhodes takes the differences more seriously, see Rhodes' contribution to this volume.

a) The *Athênaiôn Politeia* does not explicitly state that the council of the Areopagus was dissolved by Solon. The council may have lost one of its responsibilities—although one may ask how the pre-election by tribes took place and one may consider the possibility that the Areopagus played a role in organizing these pre-elections. But even if it had lost this special right, in the following lines the author of the *Athênaiôn Politeia* points out explicitly that the council retained or even received by Solon very important competences (8.4). Thus, what is said in the *Athênaiôn Politeia* on its position in the Solonian constitution does not contradict the role of the Areopagus as part of a mixed constitution mentioned in the *Politics*. It seems rather to confirm that statement by giving it a concrete form.

b) The aristocratic principle that is expressed in the procedure of elections remains valid—as Rhodes has already suggested[38]—even if the lot is used as part of it. There had to be at least some kind of selection according to quality like a *prokrisis*, which could be more significant than allotment and reduced the problems caused by the use of the lot. In addition, as is shown in *Pol.* 4.14.1298b2ff., magistrates elected this way, i.e. in different combinations of allotment and selection, can be interpreted as an aristocratic feature of a constitution, particularly if they are given substantial responsibilities. Regarding the whole electoral system, the introduction of the lot was therefore not a means to change the system of appointment substantially and, by doing this, to demolish the aristocratic element. It remained similar to the oligarchic one, represented by the powers of the Areopagus, thus forming part of a mixed constitution.

c) Besides that, concluding from 1274a16f., where the people's participation in the elections is clearly implied, one has to admit that the Aristotle of the *Politics* knew that the right of the Areopagus to appoint the officials had not been untouched by Solon's reforms.

From all these observations one is allowed to draw the conclusion that there is no real contradiction between the *Athênaiôn Politeia* and the *Politics* so that common authorship is not to be excluded for this reason nor is it necessary to suppose with Chambers that Aristotle

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[38] Rhodes (1981) 147, 150.

had changed his view or found new material.[39] The differences can be explained—as in the abovementioned minor point regarding the people's enslavement—if one admits that the *Politics* and the *Athênaiôn Politeia* were written with different degrees of detail and are in part differently focussed and accentuated.

d) To this one may add a further and in some respect similar but nevertheless even smaller point departing from Aristotle's remark in 1273b41ff. that Solon did not abolish the Areopagus and the elections. With that remark, as we have already pointed out, he only slightly modifies the statement of others on the establishment of a mixed constitution and the ancestral democracy. In the *Athênaiôn Politeia* however, emphasis is placed on Solon's introducing procedures and institutions. But even here no substantial inconsistency can be found because the author of the *Athênaiôn Politeia* often describes Solon as actively introducing and installing procedures and institutions while he admits, on the other hand, that, even in the same fields, older practices or features remained in force. So, for example, in 7.3 he speaks of the creation of the census-system explicitly mentioning that the classes existed already before (at least to a major part, without the *pentakosiomedimnoi*).[40] And when he points out that Solon gave the *thêtes* access to the assembly one can assume that they had it already before.[41]

In my opinion, all this seems to make no real difference since Solon founded a new legal order not only by introducing absolutely new regulations but also by confirming existing rules and practices thus transforming them into institutional, legally sanctioned procedures.[42] This is exactly reflected in the differences discussed here. So it is a point of view or a means of focusing on different aspects if the author or the authors speak of retaining and remaining or of establishing and installing.

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[39] Chambers (1990) 80.
[40] Rhodes (1981) 137.
[41] Cf. Rhodes (1981) 140f.
[42] Schmitz (2004) 148–258.

Conclusion

The Solon-passages in the *Athênaiôn Politeia* and in the *Politics* are very close to each other in nearly every respect, except in two areas; that is the degree of detail and slight differences in focus. At least the overall picture they present of Solon is the same, the good lawgiver and architect of a mixed constitution. And the methods by which this figure was shaped are in full correspondence. This does, of course, not automatically mean that Aristotle was the author of the *Athênaiôn Politeia*, I think scholars will agree that it is really impossible to ascribe a work to an author cogently. One has always to take into account the possibility that a pupil or another person familiar with the views of an author or, in this case, of Aristotle, was able to write along the same lines as his master or friend. Hence Rhodes who has pointed out several correspondences between the *Politics* and the *Athênaiôn Politeia* (e.g. 1981, 10; 63; 163) finishes the 'Introduction' to his commentary with the words (118): 'On the evidence which we have, Aristotle could have written this work himself, but I do not believe he did.'

On the other hand there is no convincing argument against Aristotle's authorship. In my opinion, it is even possible that he used the relevant section of the *Athênaiôn Politeia*, may it have been written by him or by a pupil, in summarizing the great debate on Solon and his qualities as legislator and founder of a constitution in the *Politics*—just the way he had announced his use of the collections of laws and constitutions (τῶν νόμων καὶ τῶν πολιτεῖων αἱ συναγωγαί) in the *Nicomachean Ethics*.[43] But, to take up the wording of Rhodes, we are here in the field of believing.

At least it seems reasonably clear how Aristotle and the *Athênaiôn Politeia* saw Solon. The question remains how far this Aristotelian figure leads us to the historical Solon himself, but careful study of this figure is an indispensable step towards the historical person. We have to differentiate between what Aristotle or his pupil had in front of him, his information, knowledge, and prerequisites (sources, accounts, opinions) and how he made use of it. To shed a bit of light on this use was my principal aim.

[43] Arist. *EN* 10.9.1181b7. At least chronology does not cause trouble: The assassination of Philip II, mentioned in *Pol.* 5.10.1311b1ff., is *terminus post quem* of the *Politics*; for the date of the *Ath. Pol.* see Rhodes (1981) 51ff.; Chambers (1990) 82f.

The methods used by Aristotle and in the *Athênaiôn Politeia*—the emphasis laid on evidence and reasoning—have their limits and their possibilities. They are limited because not the entire evidence that was available was actually used and because the sources taken into account were not always subjected to critical examination. But in my opinion the opportunities prevail: differentiation by arguing reasonably, as in the case against Solon's interpretation as a radical democrat, is always helpful just as taking into account a given situation, the *pragmata* in *Athênaiôn Politeia* 6.4. It shows at least how seriously Aristotle takes his task, not dominated by sheer political preconceptions, but oriented towards rational examination according to certain rules.

Even more important is the philosopher's orientation towards and his concluding from evidence, especially if this evidence consists of older source material like Solon's (or contemporary) poems and *axones*. The direct quotations are of the highest value. But even if there are no explicit citations one may legitimately suppose that some observations and statements are based on better information than one would guess at first sight.

Bibliography

Aalders, G.J.D. 1968. *Die Theorie der gemischten Verfassung im Altertum*. Amsterdam.

Bordes, J. 1982. *Politeia dans la pensée grecque jusqu'à Aristote*. Paris.

Camassa, G. 1994. Gli "elementi della tradizione": il caso dell'Athênaiôn Politeia. In *L'Athênaiôn Politeia di Aristotele 1891–1991. Per un bilancio di cento anni di studi*, ed. G. Maddoli, 149–165. Napoli.

Chambers, M. 1990. *Aristoteles. Staat der Athener. Übersetzt und erläutert von Mortimer Chambers*. Berlin.

Davies, J.K. 1971. *Athenian Propertied Families 600–300 B.C.* Oxford.

Gehrke, H.-J. 1993. Thukydides und die Rekonstruktion des Historischen. *Antike und Abendland* 39: 1–19.

Ginzburg, C. 2001. *Die Wahrheit der Geschichte. Rhetorik und Beweis*. Berlin.

Keaney, J.J. 1992. *The Composition of Aristotle's* Athênaiôn Politeia. *Observation and Explanation*. Oxford.

Morrow, G.R. 1960. *Plato's Cretan City. A Historical Interpretation of the Laws*. Princeton.

Piepenbrink, K. 2001. *Politische Ordnungskonzeptionen in der attischen Demokratie des vierten Jahrhunderts v. Chr. Eine vergleichende Untersuchung zum philosophischen und rhetorischen Diskurs*. Stuttgart.

Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athênaiôn Politeia*. Oxford.

Ruschenbusch, E. 1966. *Solonos Nomoi*. Wiesbaden.

Schmitz, W. 2004. *Nachbarschaft und Dorfgemeinschaft im archaischen und klassischen Griechenland.* Berlin.
Schütrumpf, E. 1991. *Aristoteles. Politik. Buch II. III. Übersetzt und erläutert von Eckart Schütrumpf.* Berlin.
Schütrumpf, E. and H.J. Gehrke. 1996. *Aristoteles. Politik. Buch IV–VI. Übersetzt und eingeleitet von Eckart Schütrumpf. Erläutert von E.S. und Hans-Joachim Gehrke.* Berlin.
Walbank, F.W. 1957. *A Historical Commentary on Polybius, I.* Oxford.

CHAPTER TWELVE

SOLON AND THE SPIRIT OF THE LAWS IN ARCHAIC AND CLASSICAL GREECE

Edward M. Harris

The scattered remains of the laws enacted by the Greek *poleis* (city-states) during the archaic and classical periods hardly appear to form a unified body of law.[1] Most of our evidence for Greek law in this period comes from two *poleis*, Athens and Gortyn on the island of Crete. Several statutes from the collection of laws created by Solon in 594 have been preserved, but many of these are found in late sources such as Plutarch and lexica compiled by scholars during the Roman Empire or the Byzantine period, and it is often difficult to tell how much of the information they provide is reliable.[2] There are two main problems encountered when studying the laws attributed to Solon. On the one hand, a law attributed to Solon may have been a genuine law dating from the archaic or classical period, but not a law that Solon himself enacted. One thinks for example of the laws about the appointment of *nomothetai* attributed to Solon by Demosthenes (20.93–94). These were actual laws that were in force at the time, but we know that these

[1] I would like to thank Josine Blok and André Lardinois, the organizers of the Solon conference, for inviting me to present an oral version of this essay in Soeterbeeck and for their help in revising it for publication. An earlier version of this essay was presented to the American Society of Legal History in San Diego, CA (November 2002), to the Department of Classical Studies, University of Michigan (November 2002), and to the Classics Department, Tulane University (October 2003). A slightly different French version was presented to the Centre Glotz, Université de Paris I (Panthéon-Sorbonne) in January of 2003. A shorter version was presented in Italian to a class at the Istituto di Diritto Romano at the University of Milan in October 2004. I would also like to thank several friends and colleagues who have read various versions of this essay and offered help and encouragement: Eva Cantarella, Alberto Maffi, Lorenzo Gagliardi, Lene Rubinstein, Fred Naiden, Donna Wilson, Robin Osborne, Jean-Marie Bertrand, Pauline Schmitt-Pantel, and Pierre Fröhlich. I owe a special debt of gratitude to Raymond Westbrook for his advice about the Near Eastern material and his timely gift of the two volumes of Westbrook (2003). All translations of the poems attributed to Solon are my own.

[2] The problem of determining which laws are genuinely Solonian has been discussed by Ruschenbusch (1966), but see the contributions of Blok, Gagarin, Rhodes, and Scafuro to this volume.

nomothetai were not created until after 403 BCE.[3] On the other hand, a law attributed to Solon may have been a forgery completely invented by a later author. For instance, Aeschines (1.6–23) discusses several laws of Solon about schools for boys, the prosecution of *hybris*, and the penalties for male prostitutes. In the manuscripts of his speech we find inserted several documents purporting to be the texts of these laws of Solon, but it has long been recognized that these are all forgeries.[4]

For Gortyn there are two major inscriptions containing laws on property and the family. The longer inscription, often called 'the Gortyn Lawcode,' is hardly a code in the modern sense, that is, a complete and systematic collection of all the main laws governing the life of a community; for instance, missing from its provisions are any statutes about homicide and public crimes like treason.[5] What is more, we know nothing about the historical context that produced this collection of laws nor about the aims of the legislators at Gortyn. The evidence for laws in other Greek *poleis* comes mainly from inscriptions, many of which are preserved only in fragments or are hard to interpret. Moreover we often know little or nothing about the circumstances surrounding the enactment of these laws. At first glance the possibility of discerning any single living spirit in this heap of dry bones seems quite remote.

M.I. Finley once went so far as to claim that one cannot speak of 'Greek law' in any meaningful sense since Greece was divided into hundred of different *poleis*, each with its own laws and institutions.[6] Yet while there certainly existed significant differences among these *poleis*, they were all united by certain values that enabled them to share a common Greek identity. Prominent among these values was the ideal of the 'rule of law'.[7] Even if one cannot speak of early Greek law as a unified legal system, we can still discover several common features in the statutes of the Greek *poleis*, which, taken together, reflect a unified

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[3] See Hansen (1991) 167–168.

[4] See Drerup (1898) 305–308.

[5] On the meaning of the term 'lawcode' see Westbrook (2000) 33–34 and the essays in Lévy (2000). For objections to calling any of the collections of early Greek laws a lawcode, see Hölkeskamp (1999).

[6] Finley (1975) 134–146.

[7] For the importance of the ideal of the rule of law in Greek identity see E. Hall (1989) 198–200. In J. Hall (2002) I can find no discussion of the role played by the ideal of the rule of law in the formation of Greek cultural identity.

set of principles shared by many of these different communities in the period 650–400 BCE. As P.J. Rhodes has recently observed, 'There is enough similarity between what is attested for different states (…) to suggest that, in spite of justified protests against the use of inference from one place at one time to fill gaps in our knowledge of another place at another time, some valid generalizations can be made about Greek law and Greek judicial procedures'.[8] It is this underlying set of general principles that I call 'The Spirit of Greek Laws'.[9]

Despite the many problems created by our sources, historians of Greek law are fortunate in one regard: they have the poetry attributed to Solon, the most famous lawgiver of the period. We may never be able to determine who is the actual author of these verses; they may have been written by the person who created a set of laws for the Athenians in 594 or be the product of a tradition of poetry that created the persona of an ideal lawgiver.[10] What is important for legal historians is that this poetry expresses the aims and values of the archaic Greek lawgivers and helps us therefore to understand the spirit in which the Greek *poleis* created their laws. The Greeks also circulated many myths about their lawgivers, which, if used with caution, also provide valuable information about contemporary attitudes.[11] These stories, though generally worthless as evidence for actual events, can still reveal Greek views about the role of the ideal lawgiver and the aims of legislation.

The first section of this essay begins with a study in contrast. I start by examining the way in which the Near Eastern lawgivers such a Hammurabi and Lipit-Ishtar envisioned their role in society and their relationship to the laws that they created. Their attitude is then

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[8] Rhodes with Lewis (1997) 529–530 note 2. In a careful study of territorial claims in classical and Hellenistic Greece Chaniotis (2004) has demonstrated that the Greeks attempted to follow a set of common principles when settling territorial disputes between *poleis*. Despite the differences between their legal systems, the Greeks appear to have recognized the validity of basic modes of conveyance in determining the ownership of land belonging to a *polis*. Three of these modes of conveyance find parallels in the private law of the Greek *poleis*. On the 'established laws' recognized and followed by the Greek *poleis* see Harris (2004) 26–33.

[9] When I use the word 'spirit' I do not mean to contrast the 'spirit of the law' with the 'letter of the law.' Nor do I wish to promote the idea that there existed a transcendent *Geist* that united all the Greeks and pervaded their institutions.

[10] On this issue see the essays of Blaise, Lardinois, and Stehle in this volume.

[11] On these legends see Szegedy-Maszak (1978).

contrasted with the way in which the poems of Solon present the task of the lawgiver and also with the image of the lawgiver found in several traditional stories. This will help us understand not only what is distinctive about the Greek attitude toward the role of the lawgiver, but also appreciate what is original about the persona of the lawgiver found in the poems attributed to Solon. The second part of the essay studies how these contrasting views about the role of the lawgiver and the place of law in society affected the shape and form of laws in the Greek *poleis* of the archaic and classical periods.

The image of the lawgiver in the ancient Near East and archaic Greece

Perhaps the best way to appreciate what is original about the Greek view of the lawgiver and his role in society is to contrast it with the manner in which the lawgivers of the ancient Near East viewed their relationship to law and justice. Although the collections of laws discovered in the Near East and those of the Greek *poleis* treat many of the same topics (e.g. adoption, theft, slavery and debt-bondage, leases, homicide), the Near Eastern kings had a very different conception of their position in the community from that of the early Greek lawgivers.[12] Monarchs like Hammurabi acted both as lawgiver and as the supreme judge in their kingdom at the same time. They did not just lay down laws but also administered these laws either directly or through their subordinates. As we will see, they did not grant permanent powers to magistrates, who had the right to administer the law by virtue of holding an office. This had a profound impact on their view of the law and its role in society and set them apart from the image of the Greek lawgivers.

The preface that Hammurabi (ca. 1750 BCE) placed at the beginning of his laws provides the best evidence for his view of his role.[13]

[12] For instance, both the law collections of Hammurabi and Lipit-Ishtar as well as the laws of several Greek *poleis* contained regulations about slavery and debt-bondage. See Harris (2002) with the literature cited there.

[13] For the laws of Hammurabi and Lipit-Ishtar I have used the translations and system of reference found in Roth (1995). This is not the place to enter into the debate about the extent to which Hammurabi's laws were actually followed in practice. Bottéro (1992) 156–184 argues that his 'lawcode' is 'a work of science devoted to the exercise of justice' not a set of actual laws. Finkelstein (1961) 102 calls them 'pious hopes and moral resolve rather than effective law' but see now Westbrook (2000) and especially Lafont (2000). For a brief summary of the debate see Roth (1995) 4–7, who

Hammurabi does not tell us that he had his laws inscribed on a stele in response to a request by his people; he claims to have been appointed king by the gods Anu and Enlil to bring justice to his subjects:

> …the gods Anu and Enlil, for the enhancement of the well-being of the people, named me by name Hammurabi: the pious prince, who venerates the gods, to make justice prevail in the land, to abolish the wicked and the evil, to prevent the strong from oppressing the weak, to rise like the sun-god Shamash over all humankind, to illuminate the land. (i 27–49)

In a similar way, Lipit-Ishtar (ca. 1930 BCE) says Anu and Enlil called upon him to bring justice and order to his kingdom:

> At that time, the gods Anu and Enlil called Lipit-Ishtar to the princeship of the land, Lipit-Ishtar—the wise shepherd, whose name has been pronounced by the god Nunamnir—in order to establish justice in the land, to eliminate cries for justice, to eradicate enmity and armed violence, to bring well-being to the lands of Sumer and Akkad. (i 20–37)

Rendering justice is only one of Hammurabi's many roles: he is a king (ii. 22–31), a military leader who defeats his enemies in battle (ii 68-iii 16; cf. iii 70), and a religious leader who builds temples and offers prayers and sacrifices to every god in the pantheon (ii 22–31, iii 55–64, iv 7–22, 32–52, etc.). Hammurabi is thus not an outsider who comes from abroad merely to resolve disputes as an impartial arbitrator. He is an absolute monarch who rules all aspects of his subjects' lives. Like Lipit-Ishtar, he compares himself to a shepherd who takes good care of his flock (i 50–62; xlvii 9–58): 'I am indeed the shepherd who brings peace, whose scepter is just'. Hammurabi does not concern himself with the details of administering justice; in his laws he does not assign different kinds of cases to various magistrates or grant specific powers to individual officials. The laws on his stele are *his* laws, and they demonstrate that the verdicts he renders as king are just:

> Let any wronged man who has a lawsuit come before the statue of me, the king of justice, and let him have my inscribed stele read aloud to him, thus may he hear my precious pronouncements and let my stele reveal the lawsuit for him; may he examine his case, may he calm his (troubled) heart, (and may he praise me) saying: Hammurabi, the lord, who is like a father and begetter to his people, submitted himself to the command of the god Marduk, his lord, and achieved victory for the god Marduk

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analyzes several cases where subjects appealed to the provisions in Hammurabi's laws and clearly expected them to be followed.

> everywhere. He gladdened the heart of the god Marduk, his lord, and he secured the eternal well-being of the people, and provided just ways for the land. (xlviii 3–38)

Hammurabi does not place his laws in the hands of his people for them to administer their own affairs. Although Hammurabi delegated tasks to his officials, '(a)ll these officials were appointed by the central administration and reported ultimately to the king. Hammurabi's correspondence with his high officials shows him intervening directly in day-to-day administration, frequently giving instructions on individual cases.' In the judicial sphere, Hammurabi 'had jurisdiction both at first instance and on appeal'.[14] The only other person who can administer his laws is his successor, who will assume his multiple duties as king and judge (xlviii 59ff). If another king does not abide by Hammurabi's rules, the only one who can punish him are the gods; Hammurabi's laws contain no measures that would enable his human subjects to hold their rulers accountable. In answer to the question *quis custodiet custodes?* (who will guard the guardians?), Hammurabi has no other answer than 'the gods'.

> But should that man not heed my pronouncements, which I have inscribed on my stela, and should he slight my curses and not fear the curses of the gods, and thus overturn the judgments that I rendered, change my pronouncements, alter my engraved image, erase my inscribed name and inscribe his own name (in its place)—or should he, because, of fear of these curses, have someone else do so—that man, whether he is a king, a lord, or a governor, or any person at all, may the great god Anu, father of the gods, who has proclaimed my reign smash his scepter and curse his destiny. (xlix 18–52)

Of course, if Hammurabi were to give others the power to discipline the king, this would undermine his entire conception of monarchy. After all, one cannot have the sheep telling the shepherd he is wrong.[15]

[14] Westbrook in Westbrook (2003) 365–366. Cf. Bottéro (1992) 165: 'We know that in Mesopotamia the rendering of justice was a royal prerogative. The ruler often delegated the duty to his representatives, even to professional judges, but it belonged to him in his own right. The procedural accounts, as well as the royal correspondence, that have survived, show more than once how lower authorities refer certain difficult or unusual cases to the royal tribunal.' The situation was similar in Pharaonic Egypt during the New Kingdom—see Jasnow in Westbrook (2003) 289, 295. In *Exodus* Moses also serves as chief judge and lawgiver, but the books of *Judges* and *Kings* are more critical of kings—see Frymer-Kenski in Westbrook (2003) 981–983 and 991–992.

[15] As Josine Blok points out to me, the prophets of the Hebrew Scriptures often criticize the kings of Israel for not upholding the law in the same way as Greek *manteis*

The Greeks saw the justice of the Near Eastern kings in a more sinister light. The story told by Herodotus (1.96–100) about the rise of Deioces to power among the Medes reveals their suspicions about such an approach to law.[16] According to Herodotus, the Medes lived independently (*autonomon*) in scattered villages after they won their freedom from the Assyrians. Ambitious to unite the Medes under his rule, Deioces set about gaining a reputation for honesty. The men in his village grew to trust him and invited him to settle their disputes. As his reputation grew, more and more people submitted their disputes to him until he finally declared he had had enough and would judge no more lawsuits. His withdrawal plunged the country into lawlessness (*anomia*) and forced the Medes to make him king. Once in office, Deioces demanded that his subjects build him a vast palace at Ecbatana. When the palace was complete, Deioces remained inside to keep himself safe from plots and communicated with his people through messengers. He continued to judge lawsuits, but all cases were now submitted to him in writing so that he could keep his distance from the people.

In Herodotus' story about Deioces, there is a contrast between independence and lawlessness on the one hand and monarchy (*basileia*), which brings law and order (*eunomia*) on the other. But the Greeks considered kingship tyranny (*tyrannis*), the absolute power of one man who is not accountable to the people whom he rules. Deioces' constitutional position is symbolized by his physical distance from the people: he rules from his palace, hidden behind seven high walls. Deioces does not view the achievement of law and order as an end in itself, but as a means to gain power. And just as law and order are associated with tyranny, lawlessness is associated with the independence of the villages before Deioces' accession to power.

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could object when a king or other powerful men did not obey *themis* and *dikê*. But the laws in *Exodus* and *Deuteronomy* do not provide legal procedures for bringing formal charges against the king, and the Hebrew Scriptures do not record any trial of a king of Israel similar to the trials of the Spartan kings in the archaic and classical periods. On the trial of the Spartan kings see David (1985).

[16] On the historicity of the story of Deioces, see Briant (2002) 26: 'The institutions set up by Deioces (capital, personal guard, audience ritual, Eyes and Ears of the king) are strangely similar to Achaemenid institutions frequently described in Greek authors, so much so that we are tempted to think that Herodotus (…) applied, or could have applied what he knew of the Persian court practices of his own day as a veneer over an entirely imaginary Media'. The story therefore tells us more about Greek attitudes toward the Near Eastern kings than about actual historical events.

In the eyes of the Greeks the *tyrannis* of Deioces was the very antithesis of the rule of law. According to the Herodotus (7.104), the Spartan exile Demaratus told the Persian monarch Xerxes that their countries were very different from each other. While the Persians feared their king as their master (*despotês*, the word for one who owns slaves) and did his commands, the Spartans had the law alone as their master. When violence and disorder gave the Athenian lawgiver Solon the chance to seize power for himself, he acted in a very different way from the Near Eastern kings. To begin with, Solon (or the persona of the lawgiver presented in Solon's poetry) refused to accept the position of tyrant:

> If I spared the land of my country,
> and did not grasp after tyranny and violence, which
> would have defiled and dishonored my reputation,
> I am not ashamed. Thus I think my fame will surpass that of all men.
> (Solon fr. 32)

For Solon monarchy does not bring about law and order, but is associated with violence and is equivalent to slavery:

> From a cloud come the might of snow and hail,
> thunder from shining lightning;
> by the powerful men a city is destroyed, and into the slavery
> of a single ruler (μονάρχου) the people falls through its folly.
> Once you raise a man up too high, it is not easy to restrain
> him later; right now you must heed this advice. (Solon fr. 9)

Unlike Hammurabi, Solon does not hand down his laws and judgment to the people from his position as ruler or as a member of the ruling class. He never compares himself to a shepherd guarding over his flock or a father looking after his children.[17] Solon stands apart from both

[17] The image of the leader as the shepherd of his people is frequent in Homer (e.g. *Il.* 1.263; 2.85, 105, 243, 254, 772; 4.296, 413)—see however, Haubold (2000) 28–32 who argues that in Homer 'The shepherd is a failed ideal, exposing to scrutiny a social world without effective social structures.' In democratic Athens by contrast we never find a politician who describes his role in this way. The image of the shepherd is replaced by the image of the watchdog, who looks after the interests of his master and obeys his commands or of the captain, who steers the passengers on his ship to safety. For the image of the watchdog see Demosthenes 25.40; 26.22 and the parody of the image by Aristophanes, *Knights* 1017–1035. By contrast, the image of the shepherd appears to have acquired negative associations. In Plato's *Republic* (1.343b–c) Thrasymachus compares the ruler to a herdsman who keeps sheep and cattle with a view only to his own profit and that of his master. When Socrates discusses the character of the Guardians in Callipolis, he compares them to watchdogs (*Resp.* 2.375e–376b). For the imagery of political leadership I am indebted to a forthcoming essay by Roger Brock.

the people and its leaders and acts as an impartial arbiter. In one poem Solon compares himself to a boundary stone: 'I stood between them, like a boundary stone in the middle ground.' (fr. 37.9–10). He places himself on the same level as the Athenians but in an impartial position, apart from each side. In another poem he compares himself to a wolf surrounded by dogs that threaten him on all sides. Had Solon favored one side or another, the result would have brought destruction for the city (fr. 36.22–27).[18]

Solon does not hand down just decisions from an impregnable position of authority as Hammurabi and Lipit-Ishtar did. Justice is achieved when there is a proper balance of power between the people and their leaders. To create this balance, Solon distributes power to each group while protecting both from injustice.

> To the people I gave as much privilege as was sufficient,
> neither removing nor granting more honor.
> As for those who have power and excel in wealth,
> I saw to it they suffered no harm.
> I stood casting a mighty shield over both sides,
> I allowed neither group to win an unjust victory. (Solon fr. 5)

> The best way would be for the people to follow its leaders,
> neither too unrestrained nor forced by violence. (Solon fr. 6.1–2)

In contrast to Deioces, Solon did not use his position as lawgiver to gain a position as absolute ruler. Nor did he attempt to combine the roles of king and judge. According to legend, once Solon finished setting down his laws, he made the Athenians swear to abide by his laws, then left Athens for ten years (Hdt. 1.29). In similar fashion, the Spartan lawgiver Lycurgus was not one of the kings, but served merely as guardian and regent for his nephew King Leobotas during his youth (Hdt. 1.65). Several of the lawgivers mentioned by Aristotle in the *Politics* (2.9.5–7.1274a) were complete outsiders in the communities to which they gave laws. Philolaus, who formulated many laws for the Thebans, was an exile from Corinth. Charondas gave laws to his native Catana, but also to other colonies of Chalcis in Sicily and Southern Italy. The Chalcidians in Thrace brought Androdamas all the way from Rhegium in Southern Italy to provide them with laws. When the people of Cyrene in North Africa were unhappy with the monarchy of Battus and wished to improve their government, Herodotus (4.161) informs us they consulted

[18] For a complete text with translation of Solon frs. 36 and 37, see the Appendix to this volume.

the priestess of Apollo at Delphi. She told them to consult the Mantineans on the Greek mainland. In response the people of Mantinea sent their most distinguished citizen Demonax to Cyrene. Demonax took some powers away from the king and distributed them to the people, but did not create an office for himself. Once his work was done, he appears to have departed.[19] For Hammurabi the roles of judge who administered the law and king went hand in hand; the Greek *poleis* often preferred to assign the position of lawgiver to someone who did not, or could not, hold political power. In Hammurabi's eyes the laws and the will of the king were inseparable; in fact, Herodotus (3.31.4) believed that there was a law among the Persians that allowed the king to do whatever he wanted. By handing their laws over to the people to administer and remaining outsiders, Solon and Demonax made it possible for legislation to become detached from the legislator.[20]

Instead of using the law to create a position for himself and justify his power, Solon envisions law as a way of creating the right relationship between leaders and the people. The resulting balance ensures justice and order. In the tale of Deioces, law and order were associated with monarchy and contrasted with disorder and lawlessness (*anomia*). Solon does not see law and order (*eunomia*) as one part of a simple opposition between authority and chaos, but as a mean between the extremes of anarchy and tyranny (cf. Aesch. *Eum.* 526–530). Obedience to leaders will not necessarily bring justice since they are prone to *hybris*, insolence that leads to greed and violence. This in turn can lead to anarchy, which brings slavery for the poor.

> There is no justice in the leaders of the people, who are about
> to suffer much anguish for their great arrogance.
> For they do not know how to restrain their insolence or keep
> order and the pleasures they have now in peaceful feasts.
> ...
> They grow rich by trusting in unjust deeds
> ...
> Nor do they spare the goods of gods and men,
> but one loots and steals from one, another from another,
> and they do not respect the firm foundation of Justice,

[19] A similar figure is Epimenides, who according to Plutarch (*Sol.* 12.4–5) came from Crete to change Athenian religious practices and thus paved the way for Solon's legislation. On this story see the contributions of De Blois and Blok to this volume.

[20] I owe this point to Westbrook (2000) 42: 'legislation became detached from the legislator'.

who watches in silence all deeds done in the past and present,
and will come in time to bring retribution for all.
This inescapable wound comes to the entire community,
and it has fallen quickly into slavery,
which stirs up civil strife and arouses war from its sleep,
which destroys the splendid youth of many men.
Our beloved city is swiftly ground down by enemies
in conspiracies where friends harm friends.
These evils range among the people; many of the poor
come to the land of foreigners,
sold into slavery, bound in degrading chains,...[21]

Solon's laws not only bring order and justice but also freedom and deliverance from slavery in two senses, figurative and literal: first, the land is no longer enslaved by those who oppressed it during the preceding *stasis*, and, second, peace has made it possible to free those men who had been carried off as slaves. When describing his achievements, Solon boasts that he has removed division from Attica and made the land free again (fr. 36.4–7). The end of *stasis* has also brought freedom to those who had been seized and sold abroad (fr. 36.8–12) and those who were being held as slaves in Attica (fr. 36.13–15).[22] For Hammurabi, obedience to the king and respect for law go together. There is not a word in his laws about preserving the freedom of his subjects. Solon sees the rule of law as an alternative to the rule of one man and does not use the law to seize power as a tyrant. In his opinion, the rule of law should serve to liberate the community as well as to bring order. The greatest threat to freedom is the greed of those in power. To preserve freedom, therefore, the lawgiver should restrain the leaders of the people. The way to prevent disorder is not to require that all obey one leader, but to allocate power to various groups to achieve the correct

[21] Solon fr. 4.7–25. For a complete text with translation of this fragment, see the Appendix to this volume.

[22] On the interpretation of these lines see Blaise (1994) 31–32 and Harris (1997) 107–110. Mülke (2002) 378 claims that since Earth is invoked in Solon's prayer, it must be treated as a real substance ('tatsächlich die attische Erde als Substanz betroffen war') and seriously misrepresents our arguments and thus his objections carry no weight. I do not claim that the earth is here used as a symbol, but that the expression 'remove boundary-markers from the earth' is a metaphorical way of saying 'removing strife from the land.' My analysis depends on the view that these verses are about the actual land of Attica, which was afflicted by *stasis*. For additional evidence and arguments that strengthen my interpretation of this passage see Harris (2002). For a modernizing approach to the issue of the *horoi* see the contribution of Ober to this volume. On Ober's modernizing approach see Rhodes (2003) 72–76, 80, 82–83, 88.

balance. The lawgiver may create the laws, but he must then turn them over to the people of Attica for them to run their affairs on their own. Then he must depart.

The rule of law in action in the Greek poleis

In the first section we discovered how the views expressed in Solon's poetry about the role of the lawgiver and the function of law in society differed profoundly from those of the Near Eastern monarchs. But how did the lawgivers of the Greek *poleis* attempt to put their ideals into practice? How did their views about law in general affect the shape of specific laws passed during the archaic and classical periods?

One of Solon's main concerns was to prevent tyranny, the concentration of power in the hands of one person. For the laws to rule, the power to enforce them should not be entrusted to a single man, but distributed widely throughout the community. Solon's concern about tyranny was not a fear of an imaginary threat: a few decades before Solon's archonship, Cylon had seized the acropolis and attempted to take control of the city (Hdt. 5.71; Thuc. 1.126). And less than fifty years after Solon established his laws, Pisistratus succeeded in making himself tyrant of Athens (Hdt. 1.59–64; *Ath. Pol.* 14–17). According to Thucydides (1.18) many of the Greek *poleis* endured a period of tyranny. Solon created penalties for those who attempted to set up a tyranny (*Ath. Pol.* 8.4), but his main strategy for avoiding the concentration of power was to distribute it among various boards of officials or political bodies.[23] To assign rights and duties to different parts of the community, Solon created four property classes and specified the property qualifications needed for various offices (*Ath. Pol.* 7.3–4). Those who fell beneath a certain minimum were classified as Thetes and allowed only to attend the Assembly and judge cases in the law courts. He also created a Council of Four Hundred and distributed different powers to the Areopagus and to the Assembly (*Ath. Pol.* 8.4). To keep all leaders accountable, he made their conduct in office subject to review by the people. To some extent Solon was only continuing a process that had begun before him. The attempt to divide power among various officials can already be

[23] On the reliability of the sources for the Solon's constitution I am in general agreement with the excellent essay by P.J. Rhodes in this volume. See also Rhodes (1981) 136–162.

seen in the duties of the nine archons: the Polemarch led the army, the six Thesmothetai judged trials, and the King Archon had religious duties (*Ath. Pol.* 3.1–5). Already in the law of Draco about homicide from about 620 BCE, the task of judging cases is not assigned to one official, but to two boards of magistrates: the *Basileis* are to pronounce judgment while the *Ephetai* are to decide the verdict.[24]

The contrast with the laws of Hammurabi and Lipit-Ishtar could not be more stark. The laws of Hammurabi and Lipit-Ishtar never specify which magistrates are to enforce the laws nor grant judicial powers to different officers. Nor do they provide measures to make magistrates accountable. Take for example the following provisions on adoption from the laws of Hammurabi (par. 185–190):

> If a man takes in adoption a young child at birth and then rears him, that rearling will not be reclaimed.
> If a man takes in adoption a young child, and when he takes him, he is seeking his father and mother, that rearling shall return to his father's house.
> A child of (i.e. reared by) a courtier who is a palace attendant or a child of (i.e. reared by) a *sekretu* will not be reclaimed.
> If a craftsman takes a young child to rear and then teaches him his craft, he will not be reclaimed.
> If he should not teach him his craft, that rearling shall return to his father's house.
> If a man should not reckon the young child whom he took and raised in adoption as equal with his children, that rearling shall return to his father's house.

The laws found in the Jewish Scriptures also do not generally state which official is assigned to each type of case (e.g. *Exodus* 21–23; *Leviticus* 18–27). The laws of Athens were quite different and could be very specific about the precise jurisdiction of magistrates. By the fifth century the laws and decrees of Athens often went into considerable detail about the duties of various magistrates. For instance, a decree passed by Callias and dated to 434/33 gives a very detailed job description for the new office of Treasurers of the Other Gods (*IG* I^3 52). The new treasurers are to be selected by lot at the same time as other officials (lines 13–15); they are to perform their duties on the Acropolis in the Opisthodomos (lines 15–18); they will count out and weigh in the pres-

[24] Meiggs and Lewis (1969) nr. 86 = Koerner (1993) nr. 11, lines 11–13. For a summary of the debate about the different tasks performed by these two sets of officials see Gagarin (2000).

ence of the Council the money they receive from the present treasurers, Epistatai and Hieropoioi in the temples (lines 18–21); they will record the amounts they receive and the total but list silver and gold separately (lines 24); in the future they will write up the amounts they receive and spend on a stele and submit this to the Logistai and submit to an examination (*euthynai*) when they leave office (lines 21–27); their term of office is to last from Panathenaea to Panathenaea (lines 27–29). The decree goes into such detail that it even grants them the power to open and shut the doors of the Opisthodomos (lines 16–17)! Here the Assembly carefully delineates the duties of different officials and clarifies the relationships among them in a way that is unparalleled in the laws of the Near Eastern kings.

This careful division of duties among different officials is not only characteristic of the Athenian laws in the period of Solon and later, but also of laws in many Greek *poleis* during the archaic and classical periods. This feature sets them apart from the laws of Hammurabi and Lipit-Ishtar. One of the earliest Greek laws is the Rhetra from Sparta. There is still considerable debate among scholars about the precise meaning of its provisions, but the document distinguishes Kings, Council of Elders, and the People and allots different powers to each body (Diod. Sic. 7.12.6; Plut. *Lyc.* 6.1–10).[25] The text of a law from Chios dated to the early sixth century is fragmentary and difficult to decipher, but grants different responsibilities to various bodies and magistrates (Koerner 1993, nr. 61 = *Nomima* I 62). There appear to be laws passed by the people (A, line 1). The Demarchs may have had the power to levy fines (A, lines 3–6), and the Council hears appeals and can inflict fines (C, lines 1–15).

By distributing powers to different officials, these laws made it possible for one set of officials to act as a check on other officials. In an early fifth-century law from Athens, the Treasurers of the sanctuary on the Acropolis are to open the temple not less than three times a month. If they fail to do their duty, the Prytaneis will fine them two drachmas (Koerner 1993, nr. 5 = *IG* I[3] 4B). Another law from Athens in the late fifth century sets out regulations for the captains of triremes and gives

[25] Cf. Maffi (2002) 196: 'È l'opinione largamente condivisa che il testo della G.R. (= Grande Rhetra) enunci la struttura costituzionale della Sparta arcaica, articolata su tre organi: i due re, la gerousia e il *damos*'. Maffi's essay contains a helpful review of past scholarship on the Rhetra and offers an interesting new interpretation of the relationship among these three bodies.

the Overseers of the Navy-yard the power to fine them for any infractions (Koerner 1993, nr. 15 = *IG* I³ 153). A law from Olympia dated to the early fifth century imposes penalties on those holding the highest office and the *Basileis* who do not enforce its provisions, then instructs the Hellanodikas to collect a fine from them (Koerner 1993, nr. 37). A law from Chios dated to the late fifth century requires the Boundary Guards to make sure no one moves boundary stones; if they do not impose legal penalties, the Fifteen are to fine them (Koerner 1993, nr. 62A, lines 9–19). A law from Lyttos in Crete dated to around 500 forbids the Kosmoi to receive foreigners except in certain cases. When they violate this rule, they are to be tried before judges (Koerner 1993, nr. 87). A fifth-century law from Erythrai forbids anyone to serve as secretary to the same magistrate more than once and instructs the Exetastai to inflict fines on those magistrates who violate this ban (Koerner 1993, nr. 74 = *IErythrai* 1). A sixth-century law from Olympia grants certain guarantees to the Theokolos ('one who cares for the god'), a religious official, but forbids him to appropriate goods belonging to others. Cases involving violations are to be heard by the Iaromaos (Koerner 1993, nr. 39). In a similar fashion, the Ephors of Sparta had the power to depose other magistrates who did not obey the laws (Xen. *Lac. Pol.* 8.4). The laws of the Greek *poleis* thus illustrate in concrete terms how these communities put into practice the idea found in Solon's poetry and in the story of Demonax that one of the chief tasks of the legislator was not just to lay down rules for individuals to follow but also to distribute power to various bodies and to avoid the concentration of power.

Solon and the early Greek lawgivers are also credited with devising four other ways of preventing tyranny and promoting the rule of law. These were: 1) establishing term-limits for magistrates, 2) imposing penalties for magistrates who did not uphold the law, 3) assigning powers not to a single magistrate but to a board of officials, and 4) adding entrenchment clauses to ensure that those in power did not overturn the laws.

1) An important means of avoiding the accumulation of power in the hands of one person was to forbid magistrates to hold office for more than a year at a time and to prevent them from holding the same office ever again (or only after a certain interval). Already before Solon the Areopagus had appointed men to serve as Archon for only a year at a time (*Ath. Pol.* 8.2). This rule was extended to cover all offices except

military ones, which required training and experience (*Ath. Pol.* 62.3).[26] One of the earliest Greek laws comes from the Cretan city of Dreros (650–600 BCE) and states that if a man holds the office of Kosmos, he should not be Kosmos again for ten years (Koerner 1993, nr. 90 = *Nomima* I nr. 81). An sixth-century law from Gortyn stipulates that the same man must not hold the office of Kosmos again within three years, the office of Gnomon within ten years, and the office of Kosmos for foreigners within five years (Koerner 1993, nr. 121 = *ICret* IV 14, G–P). In a decree from Erythrai dated to the fifth century BCE citizens are forbidden to serve as one of the Heleorontes again within ten years. Those who defy this ban must pay ten staters (Koerner 1993, nr. 77 = *IErythrai* 17). Another decree from Erythrai, dated to the middle of the fifth century, makes it illegal to be a member of the Council again within four years (Koerner 1993, nr. 76 = *IErythrai* 4, line 12; Cf. Koerner 1993, nr. 74 = *IErythrai* 1). In Sparta the most important office aside from the kingship was that of the Ephors, who held wide powers to police the activities of all citizens. But the position was so powerful that the Spartans did not entrust it to one man alone, but to a board of five men, each of whom were elected by the Assembly and could serve for only one year (Plut. *Ages.* 4 with Richer 1998, 304–309). The same was true for the navarchy at Sparta (Xen. *Hell.* 2.17; Diod. Sic. 13.100.18; Plut. *Lys.* 7.3).

2) One of the most striking features of early Greek laws is the number of penalties that are laid down for officials who do not uphold the law. As Van Effenterre and Ruzé observe: 'la legislation archaïque paraît aller bien au-delà de cet aspect dissuasif ou répressif. Elle traduit une méfiance systématique à l'égard des pouvoirs'.[27] This is another feature of early Greek laws that set them apart from the laws of Lipit-Ishtar, Hammurabi or the Jewish Scriptures: the latter rarely, if ever, stipulate what is to be done if the magistrate responsible for enforcing a law fails to do his duty.[28] Solon was not so trusting of those in power. He

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[26] For discussion see Rhodes (1981) 696. The only exception was the Council where citizens were allowed to serve twice. For the link between the prohibition of *iteratio* and preventing tyranny see the third-century law from Ilion against tyranny in Dareste, Haussoullier, and Reinach, (1891–1904) nr. 22.II.32–42 (ἐὰν δέ τις τὸ δεύτερον [σ]τρατηγήσηι ἢ ἄλλην ἀρ[χὴν] ἄρξηι,...).

[27] Van Effenterre and Ruzé (1994–1995) I.393.

[28] In the actual text of his laws Hammurabi does provide one provision about the punishment of corrupt judges (par. 5) and another about corrupt military officers (par.

saw the greed and arrogance of leaders as a potential threat to order in the *polis* (fr. 4, lines 7–25) and made conduct of officials subject to review by the Areopagus (*Ath. Pol.* 8.4). The laws were to apply to leaders as well as subjects. This included the lawgiver himself. In fact, there are several myths where the lawgiver breaks his own law and willingly submits to punishment. For instance, Charondas made it illegal to carry weapons in the assembly under penalty of death (Diod. Sic. 12.19.1–2; Val. Max. 6.5 ext. 4). One day he armed himself with a dagger to protect himself from brigands in the countryside, but forgot he was still carrying it when he entered the assembly. When someone criticized him for breaking his own law, he took out his dagger and killed himself.[29] Such myths have no value as historical evidence, but show that the Greeks believed no one was above the law, and officials were not exempt from the law's provisions.[30] Hammurabi or any other Near Eastern monarch would hardly tell such a story about himself or one of his predecessors.

The same distrust of magistrates is evident in the laws from many *poleis*. Penalties for magistrates that do not carry out the law are attested in laws from many *poleis* throughout the Greek world. One of the most striking features of early Greek laws are the numerous penalties for magistrates who fail to perform their duties. One of the earliest Greek laws, dated to the seventh century BCE, comes from Tiryns near Argos in the Peloponnese (Koerner 1993, nr. 31). The law instructs magistrates called the Platiwoinarchoi to fine the Platiwoinoi thirty *medimnoi* (a large amount of grain) for some violation, which is not preserved, then threatens Platiwoinarchoi with a double penalty if they do not levy this fine. A fragment of a fifth-century law or decree from Argos contains two penalties for magistrates. The initial part of the inscription, which probably contained the substantive provision of the measure, is missing but the extant part threatens an official (ἀϝϱεύο[ν]) with the

34). See also Laws of Eshnunna par. 50. The idea that the king should be subject to the law appears in an embryonic form in *Deuteronomy* 17:14–20, but the passage provides no legal mechanism to make the king accountable. I owe this point to Raymond Westbrook.

[29] For similar examples see Szegedy-Maszak (1978) 206, note 37.

[30] As M.H. Hansen (1998) 118, has noted, 'The Renaissance and Baroque concept of the sovereign as supreme legislator who himself stands above the laws is foreign to the ancient Greeks who invariably emphasized the supremacy of the laws and held that a *polis* ruled by a monarch who set himself above the law was a tyranny, a perverted form of community, which, in its extreme form, had ceased to be a *polis*.'

same penalty inflicted on traitors (πολεμί[ον]ς ἐπάγον—'the one who introduces enemies').[31] Another early law from Arcadia, dated to the sixth or fifth century, forbids women to wear fine clothes at a festival for Demeter and orders the Demiorgos to fine them thirty drachmas if they do not dedicate such clothing to Demeter (Koerner 1993, nr. 35). If they do not collect this fine, they are subject to punishment, possibly a curse for ten years. An amusing regulation from Olympia inscribed around 500 forbids sex in the temple and requires those who violate the ban to sacrifice a cow and perform purificatory rites (Koerner 1993, nr. 41 = *IvOl* nr. 7). This penalty applies not only to the offender but also to the Thearos ('one who watches') in charge of the temple, probably for allowing the offense to take place—or perhaps (as his title implies) for watching it happen. Another provision from the same inscription declares that if anyone passes a judgment contrary to the written law, his decision is null and void (Koerner 1993, nr. 42 = *IvOl* 7). Although no magistrate is named, the provision clearly applies to those who have the authority to judge legal disputes. A law from Naupaktos from the same period forbids the Demiorgoi to make a greater profit than what is written in the law—if they violate this, they must dedicate a statue to Apollo (Koerner 1993, nr. 48).

A law from the Aegean island of Thasos inscribed during the fifth century sets forth a penalty for some violation, then imposes a double fine on magistrates who allow violators to escape scot-free (Koerner 1993, nr. 67, lines 9–10). A law from Eretria of the late sixth century appears to impose a penalty on the Archos who does not follow the law in collecting fines (Koerner 1993, nr. 73). An inscription from Miletus dated to between 470 and 440 pronounces banishment on several individuals and a reward offered to those who kill them. The city assigns the task of paying the reward to the Epimenioi. If they do not pay the reward, they will owe the money themselves. If the city seizes the banished men, the Epimenioi have the responsibility for executing them. Should they fail to do so, each will owe a penalty of fifty staters (Koerner 1993, nr. 81 = *Nomima* nr. 103). A recently discovered inscription from Thasos dated to the early fifth century contains several regulations about keeping public roads clean and assigns their enforcement to the Archoi and the Epistatai. If these officials do

[31] For the text see Mitsos (1983) 245 with the translation in Van Effenterre and Ruzé (1994–1995) nr. 110.

not impose the required fines, they are themselves to owe double this amount (Duchêne 1992, 19–20, lines 11–13, 48–49).

These provisions find several parallels in Athenian decrees from the fifth century. The Standards Decree orders the generals to send off heralds to announce its new rules to the cities under Athenian control; if they do not perform their duty, each is to be fined 10,000 drachmas (Meiggs and Lewis 1969, nr. 45 §9). A decree about the citizens of Phaselis grants them the privilege of having their cases heard before the Polemarch; if any other magistracy tries their cases, the judgment is to be null and void and the magistrate shall owe a fine of 10,000 drachmas to Athena (Meiggs and Lewis 1969, nr. 31, lines 15–22). A decree of tribute payment orders the Prytaneis to bring cases about its provisions into the Council and threatens them with a penalty (the amount is not preserved) if they fail to do so (Meiggs and Lewis 1969, nr. 46, lines 35–37). A decree about the collection of first fruits (ἀπαρχαί) for the sanctuary at Eleusis requires the Hieropoioi to receive within five days any grain offered to them from the Greek cities; if they do not receive it, they are subject to a penalty of 1,000 drachmas (Meiggs and Lewis 1969, nr. 73, lines 18–21). A decree proposed by Thoudippos in 425/24 threatens the Prytaneis with severe penalties, one of 1,000 drachmas for failure to introduce a discussion about tribute to the Assembly (Meiggs and Lewis 1969, nr. 69, lines 28–33), another of 10,000 drachmas, a huge sum, for not completing work concerning the tribute before the end of their term of office and for preventing the collection of the tribute (lines 36–38).

This distrust of those in power is another feature that is found not only in democratic constitutions such as that of Athens but also in aristocratic constitutions such as that of the Spartans. The Spartans too believed that no person, no matter how powerful, was above the law, and did not hesitate to bring even their kings to trial for overstepping their powers.[32]

3) Another means of avoiding the concentration of power was to assign functions not to a single individual assisted by several subordinates, but to a group of officials, each of whom was on the same footing as his peers. This feature is perhaps best seen in Athenian democracy. The Aristotelian *Constitution of the Athenians*, dated to the 320s, gives the

[32] On the trials of the Spartan kings see note 15.

names of many boards of officials, but the following list includes only those boards attested in the period 600–400 BCE:

Archons—*Ath. Pol.* 3.2–3 with Develin (1989) 2–3
Basileis—*IG* I^3 104, line 11 with Gagarin (2000)
Eleven—*Ath. Pol.* 7.3; 52.1
Generals—*Ath. Pol.* 22.1 with Rhodes (1981) 264–265
Hellanotamiai—Thuc. 1.96.2
Hieropoioi of Eleusis—*IG* I^3 391, lines 10–11
Kolakretai—*Ath. Pol.* 7.3; *IG* I^3 7, line 9; 11, line 13; 36, line 8; 73, lines 26, 28 with Rhodes (1981) 139–140
Logistai—*Ath. Pol.* 54.2 with Rhodes (1972) 111
Naukraroi—*Ath. Pol.* 8.3 with Rhodes (1981) 151–153
Poletai—*Ath. Pol.* 7.3; 47.2–3 with Rhodes (1981) 552–555
Supervisors of Eleusis—*IG* I^3 32
Supervisors of the Mint—*IG* I^3 1453, lines 8, 12
Treasurers of Athena—*Ath. Pol.* 4.1; 7.3; 8.1; *IG* I^3 590
Treasurers of the Other Gods—*IG* I^3 52, lines 13–31 with Linders (1974).

Athens is perhaps unusual in the number of boards attested in this period, but several other *poleis* in this period are known to have one or more boards of magistrates. Even though the literary and epigraphical evidence is not as plentiful for these *poleis* as it is for Athens, Argos has nine boards attested, Thasos six, and Olympia five. Even small communities have several boards: Dreros has at least three, Gortyn five. (See the appendix). The tendency to entrust powers to a board of officials rather than to a single magistrate is thus characteristic not only of democratic *poleis* like Athens and Argos, but also of *poleis* without democratic constitutions like Gortyn and Sparta.

4) For the law to rule over everyone in the community, there must be safeguards to prevent the powerful from altering the law to suit their wishes. In the famous Constitutional Debate among the Persian nobles, Herodotus (3.80.5) has Otanes say that two of the worst vices of tyrants were that they violate women and disrupt the ancestral laws. Demosthenes (24.139–143) praised the Locrians because they had a law that the person who proposed a new law had to make his proposal with a noose around his neck; if the proposal did not pass, the noose was tightened and the proposer strangled. Not surprisingly, the Locrians for many years passed only one new law. The Greeks saw changes in the law not as a sign of legal progress or as a healthy adaptation

to new realities, but as a symptom of disorder.[33] Thucydides (1.18.1) reports that the Spartans had had the same laws for over four hundred years. For him this was not the mark of mindless adherence to tradition, but an indication of their *eunomia* and their freedom from tyranny. According to Herodotus (1.29), Solon, after laying down his laws, made the Athenians swear an oath that they would not alter his laws for ten years. The reason why he left Athens to go abroad was because he did not want to be forced to change any of his laws. According to Plutarch (*Sol.* 25), the Athenians agreed not to change his laws for a hundred years.

The early laws of the Greek *poleis* show their concern for the stability of their laws by adding entrenchment clauses that punish those who propose changes with harsh penalties. For instance, Demosthenes (23.62) quotes a provision from Draco's law on homicide, which reads: 'let any magistrate or private citizen who is responsible for annulling this law or changing it be outlawed and his children and his property'. We find an equally harsh entrenchment clause in a law about property from Halicarnassus around 465–450: 'If anyone wishes to destroy this law or propose a vote to annul it, let his property be sold and dedicated to Apollo and let him go into exile. If it (i.e. his property) is not worth ten staters, let him be sold into slavery abroad and let there be no (possibility of) return to Halicarnassus' (Koerner 1993, nr. 84 = *Nomima* I nr. 19, lines 32–41). There is a similar clause in a fragment of a fifth-century law or decree from Argos: 'If anyone annuls the provision written on the stele, the proposer and the presiding magistrate will suffer the same penalty as the one who brings in enemies' (*Nomima* I nr. 110, lines 5–9). In a law dated around 525–500 the Locrians appears to divide a plain among citizens and grant rights to owners. To ensure that this division remains unchanged, the law threatens those who propose any change with severe punishment: 'Unless the Assembly, under pressure of war, so decides, whoever proposes a division or puts the matter to a vote in the council of elders or in the city or in the chosen men, let him and his family be accursed forever and his property be confiscated and

[33] For frequent changes in laws as a sign of chaos see e.g. Dem. 20.90–92. Aristotle (*Pol.* 2.5.12–14.1269a) presents a different rationale for not changing the laws. He recognizes that the laws must sometimes change to adapt to new circumstances, but if it becomes too easy to change the laws, men will acquire the habit of disobeying the government. Since he believes the role of the *polis* is to make men virtuous, he explains the need to preserve established laws in terms of their effect on the character of the citizens rather than as a means of restraining those in power.

his house destroyed as in the law about homicide'. (Meiggs and Lewis 1969, nr. 13, lines 7–14)

There are several examples of entrenchment clauses in decrees from fifth-century Athens.[34] A decree passed by Callias probably in 434/33 appears to order officials to spend money for construction on the Acropolis and for no other purpose without the Assembly's approval (Meiggs and Lewis 1969, nr. 58B, lines 15–17). If anyone proposes spending money for any other purpose or puts such a motion to the vote without obtaining immunity from the assembly, he is subject to the same penalties as those who propose an *eisphora* (property tax) (lines 17–19). The Standards Decree contains a similar provision that inflicts a penalty on the person who proposes a motion violating its provisions or the person who puts such a motion to the vote (Meiggs and Lewis 1969, nr. 45, clause 8). These two Athenian decrees share one important feature with those from Argos and Locris: each one threatens not only the proposer but also the official who puts the illegal motion to a vote. At the beginning of the Peloponnesian War the Athenians voted to set aside 1,000 talents as a reserve fund to be used only in the event of a naval invasion. To ensure that the fund remained untouched, they laid down the death penalty for anyone who proposed to use the money or spend it for some other purpose (Thuc. 2.24).[35] When the Athenians were debating about how to change their constitution in 411, they could not proceed without first removing the restrictions about making proposals to alter the laws (Thuc. 8.67.2; *Ath. Pol.* 29.4).[36] The practice of appending entrenchment clauses to laws and decrees was so widespread that they '(…) are found from Tauromenium and Issa in the west to places as far to the east in Asia Minor as Acmonia and

[34] On entrenchment clauses in Athenian statutes see Lewis (1997) 136–149. In an essay on resistance to change in the law at Athens, Boegehold (1996) does not discuss entrenchment clauses either in Athens or in other Greek *poleis*.

[35] Before voting to use the reserve fund in 412, the Assembly first removed the penalties against such a measure (Thuc. 8.15.1).

[36] For other examples of entrenchment clauses see *IG* I^2 58, lines 1–5; 71, lines 52–54. For later examples of entrenchment clauses see for instance Rhodes and Osborne (2003) nr. 37, lines 95–97 (decree of *genos* of the Salaminioi 363/62), nr. 49, lines 18–25 (decree of Amphipolis, 357/56), nr. 54, lines 28–31 (decree of Mylasa 367/66–355/54), nr. 78, lines 26–35 (decree of Xanthians 337) nr. 83 ii, lines 20–26 (decree of Eresus). For further examples see those cited in Rhodes with Lewis (1997) 524–525. The addition of entrenchment clauses was no longer necessary in Athens after the creation of the *nomothesia* procedure in 403 (see Hansen 1991 165–175) and the introduction of the *graphê paranomôn* in the late fifth century (see Hansen 1974).

Termessus, and they are used also by an Antigonid king and by the Romans.'[37] What is striking is that the concern with the stability of the laws was not confined to oligarchic or democratic *poleis*; it was a goal that transcended political organization.

Conclusion

The Greek *poleis* of the Archaic and Classical periods were a diverse group of communities, differing in size, in political structure and in many other ways. But they were to a large extent united by a common faith in the rule of law and their distrust of tyranny. *Eunomia* was an ideal that both Spartans (Hdt. 1.65; Thuc. 1.18.1) and Athenians (Aeschin. 1.5; 3.6) pursued. It was also an ideal that set them apart in their eyes from their non-Greek neighbors and helped them to construct their cultural identity in the years leading up to the Persian Wars and afterwards. Solon's poems contain perhaps the earliest and most articulate expression of this 'spirit of the laws' in early Greece. But the ideal of the rule of law was not an empty slogan, a cultural ideal that had no impact on social reality. On the contrary, the Greek *poleis* devised many strategies for putting this ideal into practice, strategies that we can study in the inscriptions that preserve their statutes and decrees.

Appendix
Boards of Magistrates Attested in the Greek Poleis *before 400 BCE*

Amorgos
Archontes—*Nomima* I nr. 90

Atrax (?) (Thessaly)
Tagoi—*Nomima* I nr. 102, line 8

Axos (Crete)
Kosmoi—*Nomima* II nr. 18, line 8

[37] Rhodes with Lewis (1997) 524–525.

Arcadia
Kosmoi—*Nomima* I nr. 22, lines B9–10

Argos
Artynai—Thuc. 5.47.9; *Nomima* I nr. 107 (= Koerner 1993, nr. 27), line 2 with Piérart (2000) 305
Strategoi—Wörrle (1964) 89–100
Damiourgoi—*IG* IV 506, line 7; *Nomima* I nr. 87 (nine); *Nomima* I nr. 88 (six); *Nomima* I nr. 101, line 1 with Piérart (2000) 305
Hodelonomoi—*Nomima* I nr. 65, line 18
Iaromnamones—*Nomima* I nr. 86, lines 3–8 (four); *Nomima* I nr. 101, line 1; *Nomima* I nr. 110, line 2
Twelve—*Nomima* I nr. 65, line 1
Wikadeis—*SEG* 33: 286
Platiwoinarchoi—*Nomima* I nr. 78 Blocks 1–4, Side A; Block 6; Block 7; Block 11
Platiwoinoi—*Nomima* I nr. 78 Blocks 1–4, Side A (= Koerner 1993, nr. 31)

Argoura (Thessaly)
Tagoi—Koerner nr. 50, lines 7–8

Chaleion (Locris)
Damiorgoi—*Nomima* I nr. 53, line B13
Xenodikai—*Nomima* I nr. 53, line B1

Chios
Basileis—*Nomima* I nr. 62 (= Koerner 1993, nr. 61), lines A4, D4
Demarchoi—*Nomima* I nr. 62 (= Koerner 1993, nr. 61), lines A3–4
Fifteen—Koerner (1993) nr. 62, lines A19, B1–2
Orophylakes—Koerner (1993) nr. 62, lines A15–16

Corcyra
Agoranomoi—*Nomima* I nr. 99

Dreros
Damioi—Koerner (1993) nr. 90 (= *Nomima* I nr. 81), line 5
Kosmoi—Koerner (1993) nr. 90 (= *Nomima* I nr. 81), lines 1–5
Ithyntai—*Nomima* I nr. 27, line 1
Twenty—Koerner (1993) nr. 90 (= *Nomima* I nr. 81), line 5

Eltynia (Crete)
Kosmoi—In *Nomima* II nr. 80 line 8, Van Effenterre and Ruzé (1995) II 80, line 8 read κόσμος but Koerner (1993) nr. 94 has κόσμον

Eretria
Archoi—Koerner (1993) nr. 73

Erythrai
Exetastai—*Nomima* I nr. 84 (= Koerner 1993, nr. 74), line 14
Heleoreontes—*Nomima* I nr. 85 (= Koerner 1993, nr. 77), lines 1–2, 18–19
Prytanes—*Nomima* I nr. 106 (= Koerner 1993, nr. 75), lines A 29, C15–16, 21–22

Gortyn
Gnomones—*Nomima* I nr. 82 (= Koerner 1993, nr. 121), Blocks g-p line 2
Karpodaistai—*Nomima* I nr. 49 (= Koerner 1993, nr. 152), line 15
Kosmoi—*ICret* IV 72, col. v, lines 5–6; *Nomima* I nr. 82 (= Koerner 1993, nr. 121), Blocks g-p, line 2
Orpanodikastai—*ICret* IV 72, col. xii, lines 7, 11–12
Titai—*Nomima* I nr. 16 (= Koerner 1993, nr. 153), line 7; *Nomima* I nr. 30 (= Koerner 1993, nr. 154), line 20; *Nomima* I nr. 82 (= Koerner 1993, nr. 121), Blocks g-p, line 2

Halicarnassus
Mnemones—Koerner (1993) nr. 84 (= *Nomima* I nr. 19), lines 8, 10, 11–12, 31)

Lindos
Epistatai—Koerner (1993) nr. 56, line 21
Strategoi—Koerner (1993) nr. 56, line 41 (cf. 10–11, 48–49)

Miletus
Epimenioi—Koerner (1993) nr. 81 (= *Nomima* I nr. 103), lines 5, 8, 10, 11
Prytaneis—*Nomima* I nr. 94, lines 3–4

Naupactos
Damiorgoi—Koerner (1993) nr. 48 (= Meiggs and Lewis 1969, nr. 13), line 22.

Olympia
Basileis—*Nomima* I nr. 23 (Koerner 1993, nr. 37), line 3
Damiorgoi—*Nomima* I nr. 23 (Koerner 1993, nr. 37), line 6
Iaromaoi—*Nomima* I nr. 51, lines 5–6
Mastroi—*Nomima* I nr. 23 (= Koerner 1993, nr. 37), lines 6–7; *Nomima* nr. 60, line 2
Proxenoi—*Nomima* I nr. 51, lines 4–5[38]

Rhytte
(Crete) Kosmoi—*Nomima* nr. 7, lines 5–6, 10–11.
'Elders'—*Nomima* nr. 7, line 11.

Sparta
Agathoergoi—Hdt. 1.67 (five)
Archagetai—Plut. *Lyc.* 6.1, 8
Ephors—Hdt. 1.65; 6.82; 9.76; Plu. *Ag.* 1.36 (five); *Cleom.* 7.3 with Richer (1998) 261–264

Teos
Timouchoi—*Nomima* I nr. 104 (= Koerner 1993, nr. 78), line 29; *Nomima* I nr. 105 (= Koerner 1993, nr. 79), lines D22–23

Thasos
Archoi—*Nomima* II nr. 95 (= Duchêne 1992) lines 10–11, 27
Archontes—Koerner (1993) nr. 70 (= Meiggs and Lewis 1969, nr. 83), lines 6, 13–14
Demiourgoi—Koerner (1993) nr. 69, lines 7–8
Epistatai—*Nomima* II nr. 95 (= Duchêne 1992) lines 25, 29, 40–41, 47
Karpologoi—Koerner (1993) nr. 67, lines 1–2, 9
Prostatai—*IG* XII, 8, 264 (= Koerner 1993, nr. 71), line 13

Aristotle (*Pol.* 2.7.3.1272a) states that in Crete there were ten Kosmoi, but he does not indicate which *poleis* in Crete he is discussing.

[38] See Gauthier (1972) 41–46.

Bibliography

ICret = *Inscriptiones Creticae*, ed. M. Guarducci. Rome 1935–1950.
IErythrai = *Die Inschriften von Erythrai und Klazomenai*, eds. H. Engelmann and R. Merkelbach. Bonn 1980.
IvOl = *Die Inschriften von Olympia*, eds. W. Dittenberger and K. Purgold. Berlin 1896.
Nomima = *Nomima: Recueil d'inscriptions politiques et juridiques de l'archaïsme grec*, Two volumes, eds. H. van Effenterre and F. Ruzé. Paris 1994–1995.

Blaise, F. 1994. Solon. Fragment 36 W. Pratique et fondation des norms politiques. *REG* 108: 24–37.
Boegehold, A. 1996. Resistance to change in the law at Athens. In *Demokratia: A Conversation on Democracies, Ancient and Modern*, eds. J. Ober and C. Hedrick, 203–214. Princeton.
Bottéro, J. 1992. *Mesopotamia*: *Writing, Reasoning, and the Gods*. Trans. by Z. Bahrani and M. Van de Mieroop. Chicago.
Briant, P. 2002. *From Cyrus to Alexander: A History of the Persian Empire*. Winona Lake, IL.
Chaniotis, A. 2004. Justifying Territorial Claims in Classical and Hellenistic Greece: The Beginnings of International Law. In *The Law and the Courts in Ancient Greece*, eds. E.M. Harris and L. Rubinstein, 185–213. London.
Dareste, R., B. Haussoullier and T. Reinach. 1891–1904. *Recueil des inscriptions juridiques grecques*. Paris.
David, E. 1985. The Trial of Spartan Kings. *RIDA*[3] 32: 131–140.
Develin, R. 1989. *Athenian Officials 684–321 B.C.* Cambridge.
Drerup, E. 1898. Über die bei den attischen Rednern eingelegten Urkunden. *Jahrbuch für Classische Philologie* Supplementband 24: 221–366.
Duchêne, H. 1992. *La stèle du port* Études thasiennes XIV. Athens and Paris.
Finley, M.I. 1975. *The Use and Abuse of History*. London.
Finkelstein, J.J. 1961. The 'Ammiaduqa' Edict and the Babylonian Lawcodes. *Journal of Cuneiform Studies* 15: 91–104.
Flensted-Jensen, P., T.H. Nielsen, L. Rubinstein. 2000. *Polis & Politics: Studies in Ancient Greek History*. Copenhagen.
Gagarin, M. 1986. *Early Greek Law*. Berkeley and Los Angeles.
Gagarin, M. 2000. The *Basileus* in Athenian Homicide Law. In *Polis & Politics: Studies in Ancient Greek History*, eds. P. Flensted-Jensen, T.H. Nielsen, L. Rubinstein, 569–579. Copenhagen.
Gauthier, P. 1972. *Symbola. Les étrangers et la justice dans les cités grecques*. Paris.
Hall, E. 1989. *Inventing the Barbarian*. Oxford.
Hall, J. 2002. *Hellenicity: Between Ethnicity and Culture*. Cambridge.
Hansen, M.H. 1974. *The Sovereignty of the People's Court in the Fourth Century BC and the Public Action against Unconstitutional Proposals*. Odense.
Hansen, M.H. 1991. *The Athenian Democracy in the Age of Demosthenes*. Oxford.
Hansen, M.H. 1998. *Polis and City-State: An Ancient Concept and its Modern Equivalent*. Copenhagen.

Harris, E.M. 1997. Solon and the Seisachtheia. In *The Development of the Polis in the Archaic Period*, eds. L.G. Mitchell and P.J. Rhodes, 103–112. London and New York.

Harris, E.M. 2002. Did Solon Abolish Debt-Bondage? *CQ* 52: 415–430.

Harris, E.M. 2004. Antigone the Lawyer, or The Ambiguities of *Nomos*. In *The Law and the Courts in Ancient Greece*, eds. E.M. Harris and L. Rubinstein, 19–56. London.

Harris, E.M. and L. Rubinstein 2004. *The Law and the Courts in Ancient Greece*. London.

Haubold, J. 2000. *Homer's People: Epic Poetry and Social Formation*. Cambridge.

Hölkeskamp, K.J. 1999. *Schiedsrichter, Gesetzgeber, und Gesetzgebung im archaischen Griechenland*. Wiesbaden.

Lafont, S. 2000. Codification et subsidiarité dans les droits du proche-orient. In *La codification des lois dans l'antiquité*, ed. E. Lévy, 49–64. Paris.

Lévy, E. 2000. *La codification des lois dans l'antiquité*. Paris.

Lewis, D.M. 1997. *Selected Papers in Greek and Near Eastern History*. Cambridge.

Linders, T. 1974. *Studies in the Treasure Records of Artemis Brauronia found in Athens*. Meisenheim am Glan.

Koerner, R. 1993. *Inschriftliche Gesetztexte der frühen griechischen Poleis*. Cologne, Weimar and Vienna.

Maffi, A. 2002. Studi recenti sulla Grande Rhetra. *Dike* 5: 195–236.

Meiggs R. and D.M. Lewis. 1969. *Greek Historical Inscriptions*. Oxford.

Mitchell, L.G. and P.J. Rhodes. 1997. *The Development of the Polis in the Archaic Period*. London and New York.

Mitsos, M. Th. 1983. Une inscription d'Argos. *BCH* 107: 243–249.

Mülke, C. 2002. *Solons politische Elegien und Iamben (Fr. 1–13; 32–37 West): Einleitung, Text, Übersetzung, Kommentar*. Munich.

Ober, J. and C. Hedrick, eds. 1996. *Demokratia: A Conversation on Democracies, Ancient and Modern*. Princeton.

Piérart, M. 2000. Argos. Une autre démocratie. In *Polis & Politics: Studies in Ancient Greek History*, eds. P. Flensted-Jensen, T.H. Nielsen, L. Rubinstein, 296–314. Copenhagen.

Rhodes, P.J. 1972. *The Athenian Boule*. Oxford.

Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athenaion Politeia*. Oxford.

Rhodes, P.J. 2003. *Ancient Democracy and Modern Ideology*. London.

Rhodes, P.J. with D.M. Lewis. 1997. *The Decrees of the Greek States*. Oxford.

Rhodes, P.J. and R. Osborne. 2003. *Greek Historical Inscriptions 404–323 BC*. Oxford.

Richer, N. 1998. *Les éphores: Études sur l'histoire et sur l'image de Sparte (VIII*^{e}*–III*^{e} *avant Jésus-Christ)*. Paris.

Roth, M.T. 1995. *Law Collections from Mesopotamia and Asia Minor*. Atlanta.

Ruschenbusch, E. 1966. Σόλωνος νόμοι. *Die Fragmente des Solonischen Gesetzwerkes mit einer Text- und Überlieferungsgeschichte*. Wiesbaden.

Sealey, R. 1994. *The Justice of the Greeks*. Ann Arbor.

Szegedy-Maszak, A. 1978. Legends of the Greek Lawgivers. *GRBS* 19: 199–209.

Westbrook, R. 2000. Codification and Canonization. In *La codification des lois dans l'antiquité*, ed. E. Lévy, 33–47. Paris.

Westbrook, R., ed. 2003. *A History of Near Eastern Law*. Leiden.
Wörrle, M. 1964. *Untersuchungen zur Verfassungsgeschichte von Argos im 5. Jahrhundert vor Christus*. diss. Erlangen-Nürnberg.

PART III

SOLON THE ATHENIAN

CHAPTER THIRTEEN

SOLON'S REFORMS: AN ARCHAEOLOGICAL PERSPECTIVE

John Bintliff

The traditional view regarding the Solonian crisis, with a supposed control of all Attic land by the rich versus the poor, leads to problems. One is the role at this time of the social group which later formed the hoplite class, yeoman farmers like Hesiod—a free farmer not aristocratic, but his father was able to settle freely, and Hesiod could sell land as well as obtain it without dues to the rich. Then another is Solon's 'freeing of the land' to the advantage of the oppressed, but without its redistribution—how could this work?

Next problem, how did such indebtedness come about in Attica ca. 600 BC? Two major models are discussed in the literature: a) increasing population led to the poor being forced onto marginal land and as a result, their growing dependency on the rich for economic help, or b) there had been a traditional dependency of the lower classes on the upper classes, dating back to the Dark Age. The archaeological evidence from extensive topographical survey and excavation, taken together with the more detailed landscape history data from intensive survey,[1] make very clear that there is indeed an accelerating rate of infill of the southern Greek *polis* homeland landscapes from Early Iron Age through Late Geometric into archaic and then classical times. Anthony Snodgrass' studies in the late 1970s and 1980s,[2] also suggested an exceptionally low Dark Age population density which seemed to mark almost a Year Zero type of societal collapse after the fall of the Mycenaean palace societies. Some twenty years ago this led me to publish a model, Figure 1,[3] favouring the first scenario cited above, for peasant indebtedness in archaic Attica, i.e. that the problem was not land shortage but a clientage dependent on the rich landowners for help with seedcorn and breeding stock during recolonisation of the depopulated Attic landscape from the eighth century BC onwards. The model shows a long-

[1] Bintliff (1997a).
[2] e.g. Snodgrass (1983).
[3] Bintliff (1982) Fig. 13.4.

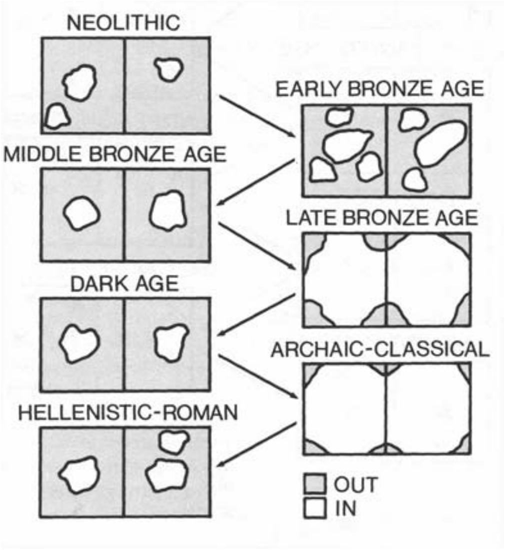

Figure 1. My 1982 model of idealized landuse changes in prehistoric and early historic southern mainland Greece (from Bintliff, 1982, Fig.13.4). Uncultivated land is shaded, land in use is blank. A cyclical pattern of expansion and contraction for the potentially exploitable agricultural land is indicated in the long-term.

term cyclical process of population rise associated with land intake, followed by demographic downturn and abandonment of land in cultivation.

But how well does the empty countryside scenario stand up today with further landscape studies and critical analyses of the total settlement evidence? The increasing intensive survey record reinforces the view that early Iron Age settlement in southern Greece was low in density, nucleated and typically consisted of small communities. Only in late archaic times, the sixth century BC, but more especially in the fifth and fourth century classical centuries, will the southern Greek landscape be filled in modular fashion by a complete network of villages and towns of comparable territorial scale (Figures 2 and 3).[4] A further step of rural infill is very marked in intensive survey—the creation within the modular *poleis* and *kômai* territories of a dispersed settlement pattern of small farms and hamlets dependent on these nucleated foci.

[4] Cf. Bintliff (1994, 1996, 1999a–b); D' Onofrio, forthcoming.

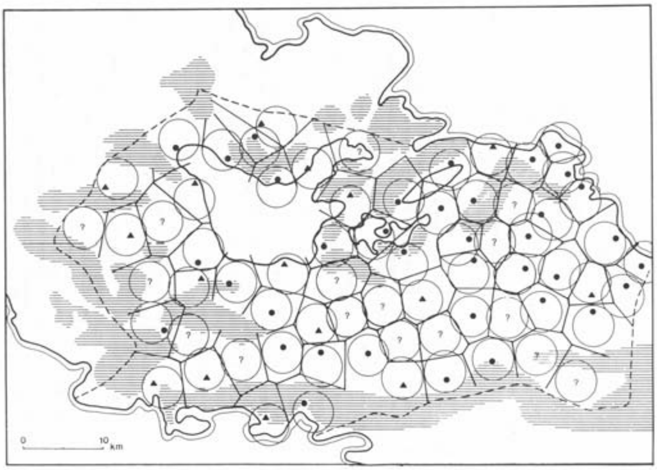

Figure 2. Idealized distribution of villages (circles) and towns (triangles) in classical Boeotia, central Greece (from Bintliff, 1994). Territories of 2–3 kilometres radius.

Although there has been debate on the residential status of the farms (but not the hamlets), most fieldworkers are converging on agreement that a *minority* can be assigned to Robin Osborne's model of a non-residential rural storehouse and a *majority* to prolonged domestic occupation.[5] Careful study from larger databases and with special attention to ceramic chronology allows us to show that although most archaic pottery from rural surface survey collections is probably largely indistinguishable from classical and early Hellenistic ceramics, the very slight frequency of confirmed finewares of archaic date continues to support a very limited occurrence of rural farms and hamlets at that period, and even those attested seem essentially to be later sixth to early fifth century in date, compared to a clear explosion of rural sites in the fifth to fourth centuries BC.[6] Accompanying the high classical intensification of land use in some landscapes such as Boeotia and Methana, intensive manuring from urban centres reaches its first major phase in this period.[7]

[5] Osborne (1985). Cf. Bintliff (1997b).
[6] Cf. for Attica, Lohmann (1991, 1992).
[7] Bintliff, Howard and Snodgrass, forthcoming.

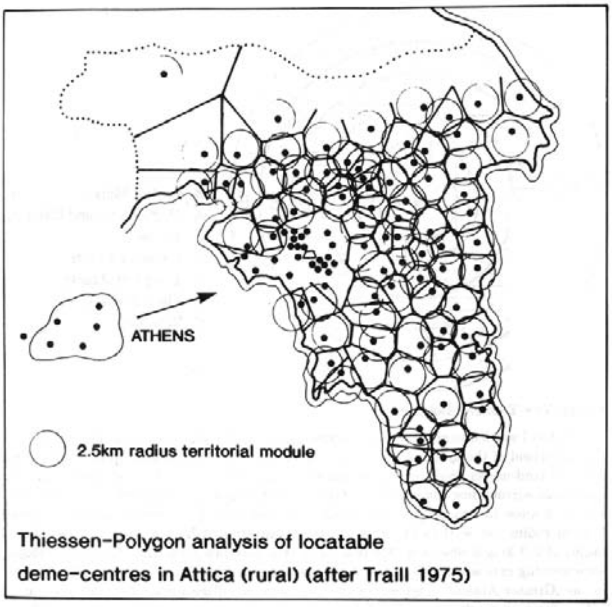

Figure 3. Spatial infill of archaic to classical Attica by modular villages and towns (the demes), territorial radius of 2–3 kilometres (from Bintliff, 1994)

However, whereas the increasing database of landscape surveys has merely tended to reinforce the traditional view of an underpopulated archaic countryside and cities yet to reach their maximum size, other aspects of the archaeological record have caused us to revaluate our picture of Dark Age society.

Firstly, as James Whitley, Ian Morris and Anthony Snodgrass have discussed,[8] throughout the post-Mycenaean Dark Ages we have growing evidence for the survival of town-like clusters of settlement, often at Mycenaean centres, such as Athens, Thebes, Argos (Figure 4), Knossos, and with rich burials associated. These beacons of potential political complexity do not suit a society reduced to Year Zero egalitarian hamlets, at least in these rare agglomerations. Secondly, there is the astonishing evidence from Lefkandi on Euboea, for elite burials, a real or replica chieftain's house and a monumental tumulus associated with

[8] Whitley (1991), Morris (1991) and Snodgrass (1991).

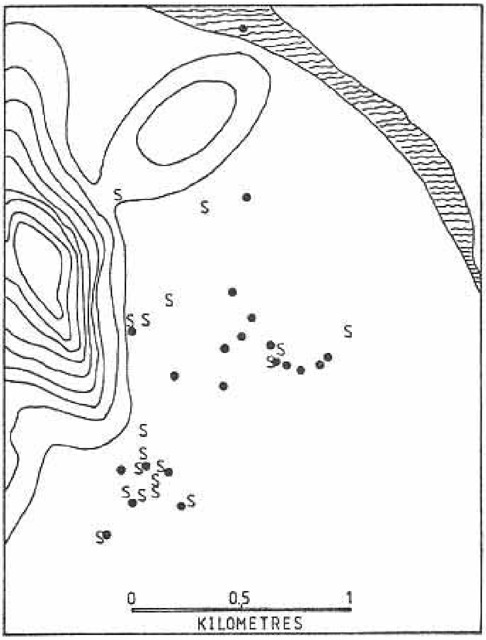

Figure 4. Dark Age Argos, cemeteries (circles) and settlement zones (S), from Snodgrass, 1991, Fig. 4.

this early Dark Age rural settlement, ca. 1000 BC. This and similar rural elite sites have recently been discussed by Ian Morris.[9]

To these highly localized signs of a stratified Dark Age society in town *and* country before the archaic era, must be added the even more significant central argument of Morris' earlier PhD thesis,[10] where he suggested that throughout the Dark Age phases of Protogeometric, Early and Middle Geometric times, formal burial in Attica and by implication elsewhere in southern Greece, was confined to the upper classes of society, with perhaps one half of each community denied such a privilege (Figure 5) (accepted by Snodgrass).[11] One important practical conclusion would be that previous and very low estimates of Dark Age populations which were almost exclusively based on the cemetery evidence, should be at least doubled. However, even having done this, the geographical spread of Dark Age sites, their average size

[9] Morris (2000).
[10] Morris (1987).
[11] Snodgrass (1991).

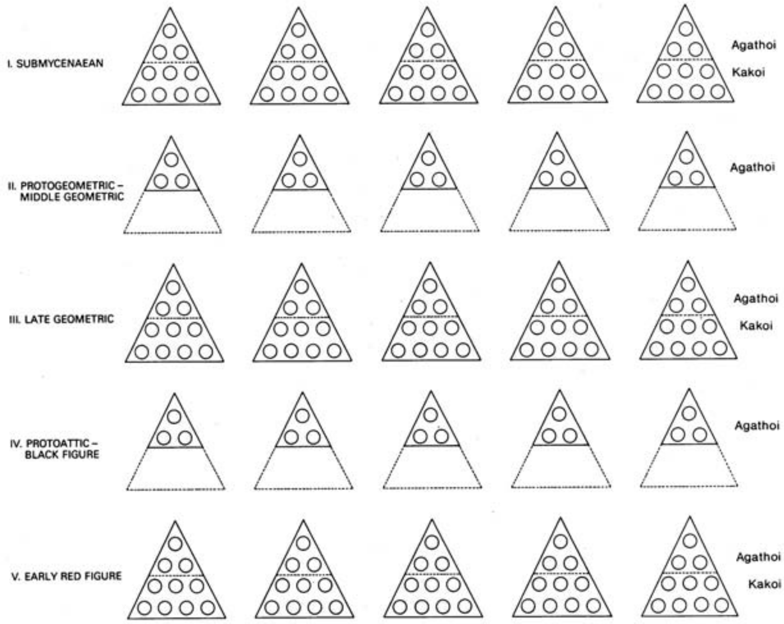

Figure 5. Ian Morris' model (1987) for the representation in formal cemeteries of the upper classes (*agathoi*) and lower class (*kakoi*) during Dark Age to early historic times in southern mainland Greece. If the total population is represented by the triangle, and the upper segment is the middle and upper class, the lower the poorest class, then his argument is for particular phases in which the poorest class is not found in formal cemeteries.

and *adjusted* buried population would nonetheless remain well below that for Mycenaean and archaic and classical times, and we still seem to observe a dramatic population rise in the eighth century BC or Late Geometric era, then again in final archaic times or the later sixth century BC, and once more in the fifth to fourth centuries BC in southern mainland Greece and many of the islands.[12]

Far more revolutionary however is the implication of these burial practices for social structure. At least for Athens and Attica and by implication for other early *polis* societies, the prolonged denial of formal burial to some half of the population appears strongly to support a

[12] Bintliff (1997a).

rigidly enforced social gulf between an upper dominant and lower subordinate classes throughout the Dark Age. Significantly Morris himself brings out[13] the local peculiarity in Attica and Athens that the opening up of burial to the lower class during the eighth century BC, is subsequently rejected in the seventh century, where the old symbolism of exclusivity reappears (Figure 5), and it is only in the later part of the sixth century BC that the 'democratisation' of burial returns and will persist.

Taken together, these new insights from town and country and the burial sphere cohere around a consistent picture of a post-Mycenaean world, where after a phase of possible chaos and anarchy in final Mycenaean and Sub-Mycenaean times, society was reorganized on strict class lines within the framework of a low density network of hamlets, villages and towns. All of these were putatively run by a differentiated upper class, incorporating some half of the population, but focused on one or a few leading or chieftain families in smaller settlements, and to judge by the multiple-hamlet model favoured for the towns, by a larger group of chieftain families in those rarer, more sizeable agglomerations.

In nearly all discussions of the Solonian crisis and the likely nature of Athenian society around 600 BC,[14] there is a natural tendency to squeeze the historic sources to exhaustion, despite their recognized problematic nature and lack of clear contemporaneity, and also to turn to later, better documented Athenian and other *polis* societies for possible models. I think we can gain more by looking backwards as much as forwards, to see what kind of society may have been building up before the crisis so as to comprehend the context of these difficult, scanty and disputed sources.

The first thing that seems obvious is that the problem for our recently-discovered class of Dark Age chiefs and upper class farmers was not land shortage or control over international commerce, but people, specifically labour to work their fields *with* them (for the numerous second rank elite) and *for* them (for the chiefly families). As Lin Foxhall has been eloquently reminding us and with ever increasing statistics,[15] the limits to production for ancient farmers were quite low, so that cultivat-

13 Morris (1987) 205–210.

14 For a good overview, see Foxhall (1992, 1997), Hanson (1999), Osborne (1987, 1996).

15 See recently Foxhall (2003).

ing a yeoman or hoplite farm of say 5–6 hectares,[16] as well as participating in political and military activity, normally required tied or hired labour. Michael Jameson has argued that in classical Attica agricultural slaves had largely replaced tied labour for this essential role.[17] In classical Boeotia, in contrast, our calculations suggest that the poorer half of the population could only have survived economically through working on the estates of the upper half of society (the middling and upper class), leaving little scope for agricultural slavery, and not so surprising in a region where democracy was rarely in favour.[18] We can hypothesize with some confidence that Morris' upper 50 % of the population in Dark Age settlements (later known as the *agathoi*) used the labour of the lower 50 % (the *kakoi*) to support them. This class division had symbolic manifestation through denial to the lower class of formal burial. The difference within the *agathoi* between a larger group of yeoman farmers and a small chiefly elite would still have been maintained through the latter's residence in larger and more elaborate houses and in burial richness and ceremony (Dipylon Vase scenes). Morris rightly points out that this division of society corresponds well to the order of magnitude in archaic and classical society of two groups of *polis* citizens: the aristocratic or major landowning class (or *hippeis*) plus the far more numerous middle class farmers of the hoplite rank make up some half of society, the other being made up of lower classes such as the Attic *thêtes*, peltasts or alternative names in other *poleis*.[19]

If we accept the converging lines of evidence seeming to support this reconstruction of Dark Age society, it resolves a whole series of hitherto difficult or even intractable problems in the Solonian crisis debate. I shall begin by rejecting my own 1982 model whereby a society of free peasants fell into the power of great landowners in archaic times, through borrowing the means to open up the abandoned countryside. It now looks far more likely that throughout the Dark Age a class of dependent peasants was tied to the upper classes and provided essential agricultural labour for their sustenance, as well as minor surpluses for traded goods and elite feasting. The reasons for archaic dependency are to be sought in immemorial ties of agricultural servitude rather than contemporary processes.

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[16] Burford (1993).
[17] Jameson (1977–1978, 1992).
[18] Bintliff (1997b).
[19] Morris (1987).

The problem that according to Aristotle, the rich owned all the land and the poor were oppressed, leaving no room for Hesiod's middling farmer, now finds a clear resolution, since the Dark Age *agathoi* included the later hoplite class, (and indeed their role in Dark Age warfare has been well argued for by Kurt Raaflaub.[20] The oppressed *kakoi* are a traditional tied labour force making up some half or more of the population.

What light does this solution shed on the enslavement of land and Solon's claim, that by his removing of boundary stones he had freed it and, by implication, lightened dramatically the oppression of its tied labour force? Published discussions find this perplexing: if this was land owned by the rich and now their rights were suppressed to allow the peasants free access, how can it be that Solon resisted redistribution of land? The answer favoured by some has been that peasants' own land plots were not freehold but had been till Solon subject to dues attached to the upper class, for whom the peasants were tied dependents forced to supply a clearly crippling share of the produce. These peasant holdings were distinct from the estates of the upper class, where they may have also been obliged to work, together with slaves and hired men. By taking away the markers of tied tenancy on the peasants' *own* plots, Solon 'freed' them to be purely worked for the benefit of the peasants, leaving the personal estates of the upper class as they were, but perhaps still with the peasant duty to work on these, left in place. If correct, this would suggest that in the Dark Ages there were two forms of estate: the personal lands belonging to the middle and upper class free families, worked with the aid of the lower class and slaves, and the personal estates of the peasants, which were subject to tenancy charges to the upper class. Crucially, this implies that the upper class must have laid claim to all land taken into cultivation by the community by direct, or indirect, rights to its surplus product.

This model also enables us to explain the situation whereby peasant oppression remains in place, regardless of the degree of exploitation intensity of the countryside. There was no overpopulation and land shortage at this point in southern Greece (exceptions being perhaps by later archaic times, Thira, and other unusually under-resourced islands), and colonization of the countryside was progressing at an increasing rate from later Dark Age through Archaic times and on into

[20] Raaflaub (1997).

the following centuries. When the peasants opened up new land, we suggest that the upper class merely assumed rights to its surplus, as well as the labour of the peasants on their own expanding acreage.

I shall leave to the many more knowledgeable historians participating in this conference volume, to offer reasons for this long-established system coming into crisis in Athens ca. 600 BC. It seems widely agreed amongst historians that the pressure for reform came from the middle class within the *agathoi* group, and the gains for the lower class were modest. Perhaps the steady expansion of the yeoman farmer in numbers, with the internal colonization of Attica, prompted political change. In any case, political instability and limited rights for the lower class seem to continue through the sixth century in Attica until Cleisthenes resolved their status more radically, and appropriately, as Morris showed, reinstatement of their burial privileges comes only in the late sixth century BC.

However, it *is* incumbent on me to offer some suggestions as to how the *agathoi* managed to keep such a tight grip on half the population through the Dark Ages, despite the collapse of state society and the disruptive warfare and migrations consequent on civilizational collapse at the end of the Bronze Age and in the earliest Iron Age. The first suggestion picks up on Hans van Wees' eloquently-argued case,[21] for the use of violence and armed men to enforce an unequal social structure. Simply put, an alliance of the chiefs and the yeoman class kept the peasants in their oppressed place. Both groups needed and benefited from the latter's labour. Could peasants escape and create their own free communities? This traditional means of evading exploitation would seem easy enough in a low density, underexploited Dark Age countryside, and Solon's claim that he brought back families who had fled abroad to avoid debt may reflect such refugees in archaic times. But to keep that vital labour force in place we need other mechanisms than local threats of violence. It might require that neighbouring *basileis* felt obliged to capture and return fleeing peasants to their lords, or that brutal punishments were meted out to those attempting to emigrate (e.g. enslavement abroad).

At this point another, or maybe just an additional, suggestion may be made, and here I owe a debt to advice from a specialist in social anthropology at Leiden, Piet van de Velde. Studies of peasants in

[21] Van Wees (1998, 1999).

history by experts such as Eric Wolf have shown the high risk of abandoning one's cultivated land and animals to set up a new life far away, and the reliance of the dominant elite on peasants opting for security and past investment by remaining on their tied farms. Just such risks however may have been taken, increasingly, by farmers with perhaps more capital and assistance in the Greek colonization movements of the eighth to sixth centuries BC, such as Hesiod's father. The shortage of land he left behind cannot have been absolute, but we can again suspect he lacked rights to the full proceeds of his land, which may also have been of inferior quality to that of the richer elite.

Van de Velde made one more suggestion I would take seriously, which is this: it has long been noted that the chiefly class in the archaic era are called the *basileis*, and that this term may well descend from a class of minor district official in the Mycenaean palace states. A common model is that when the kings and palaces went up in flames and large territorial states fragmented into innumerable chieftain societies, the lower rank elite survived in power over tiny pieces of these former kingdoms. What if they gathered about them for safety or through military threat the existing dependent peasantry of the Mycenaean social system, whose long subservience and the terrifying disorders accompanying the military destruction of the Mycenaean states predisposed them to servile dependence on an armed elite? Did the peasantry pass from one servile status to another? We were reminded by Anthony Snodgrass in his book on the Dark Ages,[22] that the classical Greeks seem not to have been aware they had been through such a period, whilst we have now learnt from Lefkandi and Ian Morris and others that indeed structures of power and class persisted through these centuries. Perhaps this last suggestion takes us even closer to understanding how strong were the threads of continuity running from the Bronze Age to the time of Solon, in many other areas than merely the recitation of the Homeric oral poems?

22 Snodgrass (1971).

Bibliography

Bintliff, J.L. 1982. Settlement patterns, land tenure and social structure: a diachronic model. In *Ranking, Resource and Exchange*, eds. C. Renfrew and S. Shennan, 106–111. Cambridge.

Bintliff, J.L. 1994. Territorial behaviour and the natural history of the Greek polis. In *Stuttgarter Kolloquium zur Historischen Geographie des Altertums* 4, eds. E.Olshausen and H. Sonnabend, 207–249, Plates 19–73. Amsterdam.

Bintliff, J.L. 1996. The archaeological survey of the Valley of the Muses and its significance for Boeotian history. In *La Montagne des Muses*, eds. A. Hurst and A. Schachter, 193–224. Genève.

Bintliff, J.L. 1997a. Regional Survey, Demography, and the Rise of Complex Societies in the Ancient Aegean: Core-Periphery, Neo-Malthusian, and other Interpretive Models. *Journal of Field Archaeology* 24: 1–38.

Bintliff, J.L. 1997b. Further considerations on the population of ancient Boeotia. In *Recent Developments in the History and Archaeology of Central* Greece, ed. J.L. Bintliff, 231–252. Oxford.

Bintliff, J.L. 1999a. The origins and nature of the Greek city-state and its significance for world settlement history. In *Les Princes de la Protohistoire et l'Emergence de l'Etat*, ed. P. Ruby, 43–56. Rome.

Bintliff, J.L. 1999b. Pattern and process in the city landscapes of Boeotia, from Geometric to Late Roman times. In *Territoire des Cités Grecques*, ed. M.Brunet, 15–33. Athens.

Bintliff, J.L., P. Howard and A.M. Snodgrass, eds. forthcoming. *The Boeotia Project Fascicule 1: the Thespiae South-Leondari Southeast Sector*. Cambridge, in press.

Burford, A. 1993. *Land and Labour in the Greek World*. Baltimore.

D'Onofrio, A.M. forthcoming. Settlement patterns in Attica, 1100–500 BC. In *Early Greek Urbanism*, eds. J.L. Bintliff and F. Ramondetti. Amsterdam, in press.

Foxhall, L. 1992. The control of the Attic landscape. In *Agriculture in Ancient Greece*, ed. B. Wells, 155–159. Stockholm.

Foxhall, L. 1997. A view from the top: Evaluating the Solonian property classes. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 113–136. London.

Foxhall, L. 2003. Cultures, landscapes and identities in the Mediterranean world. *Mediterranean Historical Review* 18, 2: 75–92.

Hanson, V.D. 1999. *The Other Greeks. The Family Farm and the Agrarian Roots of Western Civilization*. Berkeley.

Jameson, M.H. 1977–1978. Agriculture and slavery in Classical Athens. *CJ* 73: 122–145.

Jameson, M.H. 1992. Agricultural labour in Ancient Greece. In *Agriculture in Ancient Greece*, ed. B. Wells, 135–146. Stockholm.

Lohmann, H. 1991. Zur Prosopographie und Demographie der attischen Landgemeinde Atene. In *Stuttgarter Kolloquium zur Historischen Geographie des Altertums* 2 and 3, eds. E. Olshausen and H. Sonnabend, 203–258. Bonn.

Lohmann, H. 1992. Agriculture and country life in Classical Attica. In *Agriculture in Ancient Greece*, ed. B. Wells, 29–60. Stockholm.

Morris, I. 1987. *Burial and Ancient Society. The Rise of the Greek City-State*. Cambridge.

Morris, I. 1991. The early polis as city and state. In *City and Countryside in the Ancient World*, eds. J. Rich and A. Wallace-Hadrill, 25–27. London.

Morris, I. 2000. *Archaeology as Cultural History*. Oxford.

Osborne, R. 1985. Buildings and residence on the land in Classical and Hellenistic Greece. *BSA* 80: 119–128.

Osborne, R. 1987. *Classical Landscape with Figures*. London.

Osborne, R. 1996. *Greece in the Making 1200–479*. London.

Raaflaub, K.A. 1997. Soldiers, citizens and the evolution of the early Greek polis. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 49–59. London.

Snodgrass, A. 1971. *The Dark Age of Greece*. Edinburgh.

Snodgrass, A. 1983. Two demographic notes. In *The Greek Renaissance of the Eighth Century B.C.*, ed. R. Hagg, 167–171. Stockholm.

Snodgrass, A. 1991. Archaeology and the study of the Greek city. In *City and Countryside in the Ancient World*, eds. J. Rich and Wallace-Hadrill, 1–23. London.

van Wees, H. 1998. Greeks bearing arms. The state, the leisure class, and the display of weapons in archaic Greece. In *Archaic Greece: New Approaches and New Evidence*, eds. N. Fisher and H. v. Wees, 333–378. London.

van Wees, H. 1999. The mafia of early Greece. In *Organised Crime in Antiquity*, ed. K. Hopwood, 1–51. London.

Whitley, J. 1991. Social diversity in Dark Age Greece. *BSA* 86: 341–365.

CHAPTER FOURTEEN

LAND, LABOR AND ECONOMY IN SOLONIAN ATHENS: BREAKING THE IMPASSE BETWEEN ARCHAEOLOGY AND HISTORY.

Sara Forsdyke

Lin Foxhall has recently drawn attention to the gap between historical reconstructions of the crisis of Solonian Athens and the evidence of archaeological survey.[1] While historians continue to posit increased demands on the productivity of the land as a major cause of the social disruptions of the Solonian period, archaeological survey reveals no sign of the intensification of agriculture until the classical period. This paper aims to reexamine the evidence of regional surveys to reassess the question of what light the material record can shed on sixth century Attic land use. I will argue that although the survey evidence discredits historical models of a full-fledged intensive agricultural regime in archaic Greece, a more flexible model of modest intensification is still compatible with survey evidence. I begin with a summary of current historical interpretations, and then turn to the question of what archaeological survey can and cannot tell us about archaic land use.

Historical explanations of the Solonian crisis

Current historical explanations of the Solonian crisis argue that the twin forces of population growth and new market opportunities led to a breakdown of traditional relations of reciprocity between elites and masses in the late seventh and early sixth centuries. In earlier times, elites provided both leadership and economic aid in times of need to poorer members of the community. In return, the masses granted elites privileged social and political status.[2] By the late seventh century,

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[1] Foxhall (1997) 122–129.

[2] Evidence for traditional reciprocity of this kind in the archaic period can be found in various social rituals in which the rich were required to host the poor, attested for example at the festival of Cronus (cf. Accius *Ann.* 2.7) and in the songs that young

however, elites were ignoring their customary obligations to the masses in favor of the unrestrained pursuit of personal profit. According to this argument, elites and a group of increasingly wealthy non-elites began to expropriate common, private, and previously uncultivated land in order to increase agricultural production for market-trade.[3] The relative abundance of labor caused by population growth allowed the wealthy to ignore their traditional obligation to ensure the well-being of the poor and place increasing demands on the labor of the poor.[4] In extreme cases, the wealthy enslaved the poor, or sold them into slavery abroad in order to appropriate their lands. The increased labor required to work land more intensively and bring new land into cultivation was acquired from the growing population of Attica and through the purchase of chattel slaves.[5]

This historical model is based largely on three types of evidence:

1. archeological evidence (mostly non-survey);
2. literary sources (especially Solon's poems);
3. comparative examples from modern agrarian societies.

I will first review the contributions of each of these types of evidence to the main points of the historical model outlined above, before turning to the challenges presented by the evidence of survey archaeology to this model.

The evidence for population growth is primarily based on the increased quantity of settlement and burial evidence in several regions of Greece (including Athens and Attica) beginning in the tenth century.[6] While there has been a great deal of debate about the relation between archeological record and population size, a general consensus seems to have been reached on two points. First, despite short-term and regional fluctuations, there was steady population growth throughout Greece

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boys sang at the doors of the rich in return for largesse (e.g., Athenaeus 8.360). The existence of this sort of reciprocity can also be inferred from the various responses to its breakdown (e.g., the condemnations of selfish pursuit of gain in the poetry of Solon and Theognis, archaic legislation for debt relief, and finally riots among the poor). For full discussion of all the evidence for these forms of ritual reciprocity and its breakdown in archaic Greece, see Forsdyke (2005).

[3] Gallant (1982); Manville (1990) 119; Link (1991) 13–34; Osborne (1996a) 225; Raaflaub (1996) 1057–1058 and (2004) 47; van Wees (1999) and in this volume.

[4] Morris (2002) 36–41.

[5] For the growth in the supply of slaves in the archaic period, see Finley (1981), and more recently Rihll (1996) and Cartledge (2002) 162–163.

[6] Snodgrass (1980) 15–24; Morris (1987); Osborne (1996a) 74–82.

from the tenth through the fourth century of approximately 0.25 % per annum.[7] Secondly, growth seems to have been particularly strong (up to 1 % per annum) in the period from the late eighth through the fifth century, a period corresponding with the cultural and political efflorescence of the Greek *polis*.[8] Burial evidence from Athens and Attica has been central to arguments for strong population growth in this period. Moreover, Ian Morris has argued that even the modified figure of up to 1 %—down from Snodgrass' original calculation of growth rates of 4 % or even Tandy's 1.9 %—would have had significant implications for labor supply in sixth century Attica. Morris suggests that 'as the labourers working on the land multiplied, their value relative to the land was declining'.[9] In short, labor was expendable and there was little incentive for the wealthy to uphold their traditional obligations to their dependents.

The second factor cited by historians as a root cause of the Solonian crisis is the growth in market trade, which provided new opportunities for profit for the fiercely competitive and status conscious elite. Evidence for increased trade is found in the spread of Greek transport amphorae and fine pottery throughout the Mediterranean beginning in the late eighth century. Finds of Athenian transport amphorae (the so-called SOS type) date from the beginning of the eighth century; such amphorae would have carried both wine and oil.[10] Athenian fine pottery shows up particularly prominently in the early sixth century, and probably accompanied more lucrative cargoes of agricultural produce for trade throughout the Mediterranean.[11] Solon's ban on the export of agricultural produce except olive oil fits well in this context as an attempt to check the export of goods at the expense of the local population.[12] Finally, one might note that recently scholars have interpreted the foundation of Greek settlements abroad beginning in the late eighth century as a sign of increased drive for profit through trade. Whereas these settlements were once seen as state spon-

[7] Scheidel (2003); cf. Osborne (2004). Scheidel's argument is largely based on models of demographic growth derived from cross-cultural comparison.

[8] Scheidel (2003); Osborne (2004) 164.

[9] Morris (2002) 36. For Tandy's figure, see Tandy (1997) 24.

[10] Johnston and Jones (1978).

[11] Osborne (1996b).

[12] Plut. *Sol.* 24.2 (= Ruschenbusch fr. 65). Osborne (1996a) 223 doubts the law's historicity based on its reference to a fine in drachmae. For different views on the meaning of fines in drachmae in the Solonian laws, see the contributions of Blok and Scafuro in this volume.

sored responses to overpopulation, they are now conceived as private enterprises, largely motivated by a spirit of adventurism in the individual pursuit of gain.[13] While Athenians were not prominent in the movement to found new settlements abroad, they would certainly have benefited from the strengthening of trade links which these settlements fostered. Athenian interest in trade is perhaps best signaled by the conflict with Mytilene over Sigeion in the late seventh century, where trade links to the Black Sea region were almost certainly at stake.[14]

Complementing the archaeological evidence for the expansion of trade in archaic Greece are the literary texts which suggest that there was a 'transformation of the ideology of gain'.[15] This transformation is largely visible through the reactions of elite poets who decried the unrestrained drive for personal profit which they saw as a threat to the well-being of the community.[16] For example, Theognis of Megara laments the fact that bad men (οἱ κακοί) harm the people (δῆμος) for the sake of personal wealth and power (οἰκείων κερδέων εἵνεκα καὶ κράτεος) and asserts that 'personal wealth brings with it public harm' (κέρδεα δημοσίωι σὺν κακῶι ἐρχόμενα) (44–50). Similarly, Solon rebukes those who destroy the city 'on account of their desire for wealth (χρήμασι πειθόμενοι)' (4.5–6) and who 'grow wealthy through unjust acts' (πλουτέουσιν δ' ἀδίκοις ἔργμασι πειθόμενοι) (4.11).[17] According to Solon, it was those who were most well off who were most guilty of seeking more: 'There is no apparent limit of wealth laid down for men. For those of us who possess the most seek to double it' (13.71–73). In sum, according to these poets, the unprincipled quest for wealth by the rich was overriding traditional norms of concern for the community as a whole.

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[13] De Angelis (1994); Osborne (1998); Foxhall (2003).

[14] Alcaeus fr. 428 (Lobel-Page); Hdt. 5.94–95.

[15] Morris (2002) 36. Cf. Seaford (1994) 222–223; von Reden (1995) and (1997); Tandy (1997) 2–6, 166–227; Balot (2001) 73–98.

[16] This transformation took place over several centuries and was less absolute than some scholars have suggested. As von Reden has argued (1995) 3–4, two systems of exchange (or 'transactional orders' to use Bloch and Parry's terms)—namely socially embedded reciprocal exchange and market trade—can coexist and presumably did so throughout the archaic period. By the early sixth century, however, we might surmise that population growth and the expansion of overseas trade favored the growth of market exchange at the expense of traditional reciprocal relations between elites and between elites and masses.

[17] Compare 13.7–25 where Solon is emphatic that unjustly acquired wealth will not last long and will bring the justice of Zeus upon its possessors. For a complete text with translation of fr. 4, see the Appendix to this volume.

But what specifically were the 'unjust acts' in the selfish pursuit of gain, and how were they threatening the community's well-being? It is at this point that the evidence of other agrarian societies is brought to bear on the scanty hints provided by Solon and the slightly more full picture painted by later sources (e.g., Aristotle and Plutarch). From this evidence, scholars draw two conclusions. First, the rich were appropriating for themselves private, public, and previously uncultivated land in order to increase production for market trade. Secondly, the rich were compelling the poor to work for them on increasingly onerous terms. Evidence for these conclusions begins with three lines from Solon fr. 4:

> οὔθ' ἱερῶν κτεάνων οὔτέ τι δημοσίων
> φειδόμενοι κλέπτουσιν ἀφαρπαγῆι ἄλλοθεν ἄλλος,
> οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα

> They steal from one another through violent seizure,
> sparing neither sacred nor communal property,
> nor preserving the sacred foundations of Justice (fr. 4.12–14).

Several scholars have taken these lines as a reference to the appropriation for private profit of land formerly under the control of cultic and regional associations such as *phylae*, *phratriai*, *genê*, villages and demes.[18] Indeed, Brook Manville has argued—using comparative examples from agrarian societies in modern Africa—that much of the arable land in pre-Solonian Attica was held in common. According to this argument, by Solon's time, wealthy elites in these associations were compelling the poor population to work the land under increasingly onerous terms in order to produce a surplus which the elites could then use for personal gain.

Aristotle identifies two classes of dependent laborers at the time of Solon, the *pelatai* and the *hektêmoroi* (*Ath. Pol.* 2.2). The former were hired laborers who worked lands controlled by the rich in return for pay. Since Solonian Athens was a pre-monetary economy, the *pelatai* would have been paid in kind.[19] The *hektêmoroi* ('sixth-parters'), on the other hand, were sharecroppers who were required to turn over one-sixth of the product of their labors to the elites who controlled the

[18] Cassola (1964); Manville (1990) 110–111; Rihll (1991) 103. Robin Osborne suggests to me that κτεάνων is not land—since the verb κλέπτουσιν implies movable goods. But, as Osborne acknowledges, technically, the noun is not the object of the verb κλέπτουσιν, but of the participle φειδόμενοι. In addition, the use of κτεάνων for land is paralleled in Xenophanes 2.8.

[19] For coinage as post-Solonian see: von Reden (1997) 156 with references in n. 16.

land.[20] These two classes of laborers may have worked all three types of lands mentioned above—common, private and previously uncultivated lands. Some scholars, however, have argued in relation to the *hektêmoroi* that the curiously small "rent" of one sixth can be explained in part by the idea that this class of laborers was working land of marginal fertility—i.e., land on the edges of the cultivated landscape, from which they required at least five-sixths of the crop in order to make a living.[21] Sancisi-Weerdenburg, for example, draws on comparative examples of share-cropping agreements in modern Iran, to show that 'low percentages of rent can be a correlate of the quality of the soil'.[22] If Sancisi-Weerdenburg is right, then it is possible that the *hektêmoroi* farmed land of marginal fertility which was only then being cultivated for the first time.

While these two statuses of dependent laborers may have been present in less formal terms since the Dark Ages, it is clear that by the time of Solon the terms of their dependency had become extremely oppressive.[23] Not only did the poor find themselves becoming increasingly indebted to the rich, but they and their families were sold into slavery at home and abroad (Solon frs. 36.8–15; 4.17–25). Solon's response to this crisis—the reforms known as the *seisachtheia* ('Shaking off of Burdens')—probably involved both the cancellation of debts and a ban on enslavement for debt (*Ath. Pol.* 6).[24] In addition, Solon himself claims that he removed from the earth the *horoi* (markers) that were 'fixed everywhere' (πολλαχῇ πεπηγότας) and that thereby 'the land which was formerly enslaved was now free' (πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη).[25] While the exact meaning of Solon's action is hotly debated, a reasonable interpretation is that the *horoi* marked the elites' claim both to the land and

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[20] Rhodes (1981) 90–96 summarizes modern scholarly discussion of these groups. See recently Gallant (1982); Rihll (1991); Schils (1991); Sancisi-Weerdenburg (1993); Harris (1997 and 2002).

[21] Gallant (1982), by contrast, proposes that the *hektêmoroi* farmed marginal lands in addition to their own property, and kept only one-sixth of the crop. The judgment that one-sixth is a small rent is based on comparison with other share-cropping systems, for example the Spartan helots, who were required to hand over one half of their produce to their Spartan masters (Tyrtaeus fr. 6, Paus. 4.14.4 with Hodkinson 2000, 125–131).

[22] Sancisi-Weerdenburg (1991) 20–21.

[23] For the origins of relations of dependency in the Dark Ages, see Bintliff's contribution to this volume.

[24] For similar problems over land and debt in archaic Megara, see van Wees (1999 and 2000) and Forsdyke (2005).

[25] Solon fr. 36.3–7. For a complete text of this fragment, see the Appendix to this volume.

to the laborers who worked it (i.e., the *hektêmoroi*).[26] The evidence of the *horoi*, in other words, parallels the other evidence discussed above in suggesting that elites strove to increase production both by appropriating private, public, and previously uncultivated land, and by exploiting the labor of the poor in order to make cultivated land more productive and to bring new lands into cultivation.

Two models of agricultural land use

In addition to the textual evidence for a drive to increase the productivity of the land, scholars have drawn on ethnographical research of agricultural practices in modern Greece, as well as the results of survey archaeology to argue that the increase in productivity was achieved in part through a shift from a traditional extensive pattern of agriculture to an intensive regime. I will first explain the features of these two agricultural systems, before explaining how they have been applied to Solonian Athens.

Until the 1980s, the standard view of ancient Greek agriculture was that it followed a traditional Mediterranean pattern called "traditional" or "extensive" farming. In this type of agriculture, farmers work small scattered plots from a village base. They follow a system of biennial fallow (also referred to as "bare fallow" or "short fallow") by which a given plot is allowed to lie fallow every second year in order to regain fertility. Under this system, relatively low yields are achieved because at any given time one half of a farmer's land is left uncultivated. The advantages of this system, however, are first of all that it requires relatively little labor input. Secondly, residence in a village allows both for physical protection and social interaction. On the other hand, scattered plots and village residence mean that the farmer spends a good deal of time walking out to his fields. This model of agriculture is based on ancient literary and documentary sources (e.g., leases) and analogies with "traditional" practices in the modern Mediterranean.[27]

[26] See e.g. Rhodes (1981) 175 and Manville (1990) 112; Sancisi-Weerdenburg (1991) 22. Harris (1997), however, argues against an association between the problem of the *hektêmoroi* and that of the *horoi*. For a novel approach to the meaning of Solon's removal of the *horoi*, see Ober this volume.

[27] For this model, see Osborne (1987) 37–44, 53–74; Sallares (1991) 372–381. For a critique of the assumption of continuity between ancient and modern agricultural practices, see Halstead (1987).

In the 1980s, Paul Halstead challenged this traditional model, suggesting that the ancients practiced intensive agriculture (also referred to as "annual-" or "multi-cropping").[28] In this type of agriculture, higher yields are achieved through a variety of techniques, including crop-rotation, irrigation and manuring. By rotating crops of cereals and pulses on a given piece of land, farmers are able to maintain the fertility of the land without letting it lie fallow for a year, since pulses restore nitrogen to land. In addition, by using irrigation and manuring farmers are able to get better harvests from the same plot of land year in year out. The major downside of this mode of farming is that it requires vastly increased labor input. Indeed, the labor requirements of such techniques are so great, that it is impossible for farmers to continue to dwell in villages and invest large amounts of time walking out to scattered plots. Rather intensive agricultural practices are usually associated with a farmer's residence on the land which he cultivates.[29]

The new intensive model of agriculture was adopted in part because the evidence of survey archaeology revealed a plethora of small sites, considered isolated farmsteads, in the rural landscapes.[30] These sites start to show up in the late sixth century and become especially prominent in the fourth century before tapering out in the third century. If these sites do indeed represent isolated farms, the argument goes, then there seems to be good reason to believe that an intensive agricultural regime was practiced at this time. Further evidence for intensive agricultural practices is found in the halo of pottery detected around sites, which some survey archaeologists have interpreted as a sign of manuring. Broken pots would end up in the general refuse dump along with

[28] Halstead (1987). Earlier arguments for the new model include Halstead (1981 and 1984). The new model is accepted by Garnsey (1988) 93–94; Morris (1994) 363–364; Morris (1998) 138–144 and 155–191; Hanson (1995) 50–89. For critique of the new model, see Isager and Skydsgaard (1992) 108–114.

[29] For dispersed settlement and consolidated plots of land as a key feature of intensive agriculture, see Halstead (1987) 83.

[30] Halstead (1987) 83. For summaries of the survey evidence, see Foxhall (1997) 123; Foxhall (2003) 77–79; Morris (1994) 363. For individual surveys see for the Argolid: Jameson et al. (1994); for Attica: Lohmann (1993) and Munn and Zimmerman-Munn (1990); for Boeotia: Bintliff and Snodgrass (1985); for Kea: Cherry et al. (1991); Laconia: Cavenagh et al. (1996); for Melos: Renfrew and Wagstaff (1982). Evidence for sixth-century farms at Metapontum has also played a significant part in the debate: see Carter (1990), discussed by Morris (1994) 364 and Foxhall (2003) 77–78.

the manure, and when this general refuse was spread on the fields, the pottery left a durable marker of the practice of manuring.[31]

Despite the fact that this evidence only shows up in the late sixth century and only becomes prominent in the fourth century, some historians posit that intensification of agriculture must have begun long before the late sixth century, in response to population pressure and opportunities for overseas trade.[32] Thus Victor Hanson analyses Homer's description of Laertes' farm in Book 24 of the *Odyssey* to argue that in the late eighth century farmers were adopting new techniques of intensive agriculture in order to increase production from the land.[33] According to Hanson, Laertes represents a new breed of farmer who migrated out from a village or urban center in order to devote himself to the cultivation of the land. These farmers not only brought previously uncultivated lands into cultivation, but adopted new intensive practices such as crop-diversification, systematic irrigation and manuring. Since these practices required vastly increased labor, permanent residence on the land was required. For Hanson, therefore, the cultivation of previously uncultivated lands and the adoption of practices of intensive agriculture began already in the late eighth century and are the source of the boost in agricultural productivity which fuelled both population growth and archaic trade.

It is worth pointing out, however, that Hanson's focus on isolated farm residence is motivated by his desire to define a class of small independent farmers whose ethos of hard work and whose skepticism of the values associated with the luxurious and urban city was the backbone of ancient Greek culture. Hanson furthermore associates the mode of life of the independent small farmer with the rise of the *polis* and the values of independence and self-reliance that he associates with the culture of the *polis*. It would be fair to say, I think, that few historians fully accept Hanson's model of the yeoman farmer living on an isolated farm as the key to Greek *polis*.[34] Nevertheless, it is important to recognize that many historians explain the growth in the archaic Greek economy, and the tensions over land which are visible in

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[31] Halstead (1987) 83; Bintliff and Snodgrass (1988).

[32] Halstead (1987) places the beginnings of intensive agriculture in the Neolithic period.

[33] Hanson (1995) 47–89.

[34] See for example, Edward's critique of Hanson's analysis of the agricultural regime of Hesiod's *Works and Days* (Edwards 2004, 132–135).

Solon's poetry, in part through a model of agricultural intensification and cultivation of previously uncultivated marginal lands.[35]

As I have already pointed out, the problem with this historical model is that archaeological survey reveals no sign of a drive to increase agricultural production through the intensification of agriculture and the cultivation of previously uncultivated land in the age preceding Solon. According to survey archeology, these trends do not begin until the late sixth century at the earliest, and only reach significant levels in the late fifth and fourth centuries. So the question arises, how are we to reconcile the historical model with the evidence of archeological survey? The answer, I will argue, lies in the recognition of three key points: the definition of intensive agriculture, the sensitivity of archaeological survey to degrees of land use that fall below the most intensive agricultural regimes, and the difficulty of generalizing from regionally dispersed survey projects.

The definition of intensive agriculture

Under the influence of Halstead's model of intensive versus extensive cultivation systems, current historical interpretations of archaic agriculture place too much emphasis on permanent residence on the land as an indicator of intensive land use. Archaeological survey has reinforced this emphasis by focusing on the "farm" as the lowest level of "site" that it can detect. Yet, while it is true that the most intensive uses of the landscape (annual and multicropping) usually require residence on the land because of the increased labor requirements, there are still several ways that agricultural productivity can be increased without permanent residence on the land.[36] Indeed, farm residence is only necessary if we conceive of the single family as the primary productive unit. If we imagine, instead, an abundance of dependent labor—as the evidence for Solonian Athens seems to suggest—then landholding families need not locate themselves on a single consolidated plot which they themselves work, but rather might employ their dependents to work

[35] See references in note 3 above.

[36] Garnsey (1988) 94: 'the argument for the prevalence of intensive farming does not depend on farmers residing on their properties rather than in nearby nucleated settlements'. See also Cherry et al. (1991) 331 for a list of five methods of intensification, only one of which involves farm residence.

scattered plots intensively.[37] In other words, the availability of labor, not farm residence, is the key to increasing agricultural productivity.[38] The fact that the wealthy in Solonian Athens appear to have been pressing their dependents to work on increasingly onerous terms, suggests that they were indeed using all available dependent labor as the main route to agricultural intensification. When we add the increasing supply of foreign slaves to the available pool of laborers, we further see how agricultural productivity could be increased without requiring farmstead residence.[39]

With this supply of laborers, landowners could both work previously cultivated fields more intensively and take new lands into cultivation. It is likely that previously cultivated lands—the most fertile lands closest to settlements—would be the first to be cultivated more intensively.[40] These lands would have been the first to receive the labor-intensive techniques of crop rotation, manuring and irrigation. Since these lands were closest to the settlements, moreover, manure could most easily be applied to them. Furthermore, the other labor intensive techniques—crop rotation and irrigation—could be used on these lands without disrupting settlement patterns. It was on these fertile lands closest to the settlements, therefore, that more frequent and more intensive use of the land might have begun in the archaic period. It was only in the late sixth century, when the lands closest to the settlements were fully exploited, that land further out from the settlements began to be exploited more intensively. It is only in this later period, then, that survey archaeology begins to pick up more rural, isolated farms.

But what of the cultivation of previously uncultivated lands farther off from the main settlements? I suggested above that the ready supply of dependent labor and slaves would have allowed the wealthy to bring new lands into cultivation. Why then does survey archaeology not detect signs of this earlier than the late sixth century? I suggest, following Gallant, that the newly cultivated lands—i.e., less fertile land further out from settlements—would have been farmed by traditional,

[37] Foxhall (2003) 85 makes a similar point, noting that housing complexes at several sites, including Lathouresa in Attica, suggest larger and more complex groupings than the single family. For Lathouresa see Lauter (1985).

[38] Osborne (2001) 213 and Foxhall (2003) both stress labor as a key limiting factor in agricultural productivity.

[39] On the availability of slaves, see note 5 above.

[40] Isager and Skydsgaard (1992) 112–113.

less intensive methods (i.e., biennial fallow).[41] Since non-intensive agriculture has much lower labor requirements than intensive agriculture, it requires neither residence near the land, nor techniques such as manuring which might leave traces in the archaeological record.

In sum, it is likely that agricultural production in the sixth century and indeed earlier and later periods was increased largely through methods that fell short of a full-blown intensive regime requiring farm residence. Indeed, Robin Osborne has pointed out that the size of the population living in rural isolation was demographically insignificant even in the fifth and fourth centuries.[42] It follows that most of the increase in agricultural production even in the later period must have been achieved without farmstead residence.

The sensitivity of archaeological survey to degrees of land use

I have just argued that the types of intensification of agriculture that occurred in the archaic period fell below those of a full-blown intensive agricultural regime requiring farmstead residence, and hence are not readily detectable by surface survey. Yet a case can be made that even these more modest methods of intensification might leave observable material traces.[43] While this is certainly true, it is equally important to note that survey archeology is still working out the implications of off-site artifact clusters and spreads for the nature of rural agricultural activity. Two debates in current scholarship illustrate the problems of interpretation. First is the debate about what types of artifact clusters represent "farms." Osborne argues that archaeologists have been overly optimistic in the identification of clusters of artifacts and even rural towers as farms.[44] Conversely, Pettigrew suggests that archaeologists have undercounted rural farms since the most readily detectible evi-

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[41] Gallant (1982) 122–124.

[42] Osborne (2004).

[43] Cherry et. al. (1991) 339 posit five ways that intensification of agriculture might leave material traces in the rural landscape: 1. a larger labor force results in the transport of more artifacts to rural locations; 2. more frequent use of holdings leads to denser concentrations of artifacts as farmers spend more time on the same piece of land; 3. more production units (families) result in more deposition of artifacts than if individual families farmed separately owned parcels of land 4. more land under cultivation might lead to a more dispersed distribution of artifacts; 5. more settlement on the land through establishment of residences near consolidated holdings of land.

[44] Osborne (1985 and 1992).

dence of rural residence (especially roof tiles) was frequently recycled.[45] A second controversy has arisen over the significance of the "halo" of artifacts detectable around some sites. As we have seen, Bintliff and Snodgrass argue that the halo is caused by manuring, and hence is indicative of intensive agriculture.[46] Alcock et al., however, suggest not only that the incidence of site haloes is less prevalent than Bintliff and Snodgrass imply, but that a variety of site specific factors (e.g., erosion, non-agricultural activities) could explain them.[47] It is unquestionable that these debates are leading to greater refinement of survey techniques and interpretative models.[48] Nevertheless, these controversies also warn us of the complex relation between land use and the material record, as well as the need for historically and regionally specific analyses. This leads to the third point.

The difficulty of generalizing from regionally dispersed survey projects

My third point is that evidence from non-Attic surveys or from surveys within particular regions of Attica is not a reliable indicator of the conditions of Attica generally. Only two intensive surveys have been conducted so far in Attica (Lohmann on Atene, and Munn and Zimmerman-Munn on the Skourta Plain) and it is likely that both regions are atypical.[49] Moreover, if one looks to nearby regions, it is striking that on Keos "farms" and expansion into marginal lands arise already in the archaic period while in the Argolid such phenomena appear only in the classical period.[50] Such regional variation should caution us not to make claims for one region based on the evidence of one or more other regions.

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45 Pettigrew (2001 and 2002).

46 Bintliff and Snodgrass (1988).

47 Alcock et al. (1994). See also Given (2004).

48 See especially Bintliff (2002); Bintliff et al. (2002); Alcock and Cherry (2004).

49 Lohmann (1993) on Atene, but see Osborne (1997) for Atene as atypical; Munn and Zimmerman-Munn (1997) on the Skourtia Plain.

50 Cherry et al. (1991) 340; Jameson et al. (1994).

Conclusion

Taking these three points together, I propose that the evidence of survey archaeology demonstrates that models of agriculture involving a full-blown intensive regime are inadequate to cover the agricultural practices in the archaic period. Instead, there are good reasons to conclude that agricultural production was being increased by more modest methods of intensification. The increase in production was achieved both through more frequent use of land holdings near settlements and also through the cultivation of previously uncultivated lands. These changes were made possible by the increased availability of labor as a result of population growth, the availability of imported slaves, and—most importantly for Solonian Athens—the breakdown of traditional relations between elites and their dependents.

In sum, according to my model—which is fully compatible with current survey evidence and its interpretation—wealthy elites intensified production for market trade by making more use of the land and by exploiting the growing population (as well as slaves) as a labor force. It should be emphasized that the surplus production must have been rather small given the increased needs of the growing population.[51] Nevertheless, the attempt by the wealthy to take advantage of new opportunities for gain created the strains that we read of in Solon's poetry: the encroachment on common land for private profit, the breakdown of traditional relations between rich and poor, and the enslavement of the poorest residents of the land and their sale abroad.

Bibliography

Alcock, S.E. and Cherry, J.F., eds. 2004. *Side-by-Side Survey: Comparative regional Studies in the Mediterranean World.* Oxford.

Alcock, S.E., Cherry, J.F. and Davis, J.L. 1994. Intensive survey, agricultural practice and the classical landscape of Greece. In *Classical Greece: ancient histories and modern archaeologies*, ed. I. Morris, 137–169. Cambridge.

Balot, R.K. 2001. *Greed and Injustice in Classical Athens.* Princeton.

Bintliff, J.L. 2002. Settlement Pattern Analysis and Demographic Modeling. *BAR* International Series 1091: 28–35.

Bintliff, J.L. and A.M. Snodgrass. 1985. The Cambridge/Bradford Boeotian Expedition: The First Four Years. *Journal of Field Archaeology* 12: 123–161.

[51] For this point, see Frier (2000); Morris (2002) 36.

Bintliff, J.L. and A.M. Snodgrass. 1988. Off-site pottery distributions: a regional and interregional perspective. *Current Anthropology* 29: 506–513.

Bintliff, J.L. et al. 2002. Classical Farms, Hidden Prehistoric Landscapes and Greek Rural Survey: A Response and an Update. *JMA* 15.2: 259–265.

Carter, J.C. 1990. Metapontum—Land, Wealth and Population. In *Greek Colonists and Native Populations*, ed. J.P. Descoeudres, 405–451. Oxford.

Cartledge, P. 2002. The Political Economy of Greek Slavery. In *Money, Labour and Land, Approaches to the economies of ancient Greece*, ed. Paul Cartledge et al., 156–166. London / New York.

Cassola, F. 1964. Solone, la terra e gli ectemori. *PP* 19: 26–68.

Cavenagh, W., Crouwel, J., Catling, R.W.V. and Shipley, G. 1996. *Continuity and Change in a Greek Rural Landscape. The Laconia Survey. Vol. I. Methodology and Interpretation.* BSA Suppl. vol. 26. London.

Cherry, J.F., Davis, J.L. and E. Mantzourani, eds. 1991. *Landscape Archaeology as Long-Term History*. Los Angeles.

De Angelis, F. 1994. The Foundation of Selinous: overpopulation or opportunities? In *The Archaeology of Greek Colonization. Essays dedicated to Sir John Boardman*, eds. G.R.Tsetskhladze and F. de Angelis, 87–110. Oxford.

Edwards, A.T. 2004. *Hesiod's Ascra*. Berkeley.

Finley, M.I. 1981. *Economy and Society in Ancient Greece*, eds. B.D. Shaw and R.P.Saller. London.

Forsdyke, S. 2005. Riot and Revelry in Archaic Megara: Democratic Disorder or Ritual Reversal? *JHS* 125: 73–92.

Foxhall, L. 1997. A View from the Top. Evaluating the Solonian property classes. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P.J. Rhodes, 113–136. London.

Foxhall, L. 2003. Cultures, Landscapes and Identities in the Mediterranean World. *Mediterranean Historical Review* 18.2: 75–92.

Frier, B.W. 2000. More is worse: some observations on the population of the Roman Empire. In *Debating Roman Demography*, ed. W. Scheidel, 2000. Leiden.

Gallant, T.W. 1982. Agricultural Systems, Land Tenure and the Reforms of Solon. *ABSA* 77: 111–124.

Garnsey, P. 1988. *Famine and Food Supply in the Greco-Roman World*. Cambridge.

Given, M. 2004. Mapping and Manuring: Can We Compare Shard Density Figures? In Alcock and Cherry (2004) 13–21.

Halstead, P. 1981. Counting sheep in Neolithic and Bronze Age Greece. In *Pattern of the Past: Studies in Honour of David Clark*, eds. I. Hodder et al., 307–339. Cambridge.

Halstead, P. 1984. *Strategies for survival: an ecological approach to social and economic change in the early farming communities of Thessaly, N. Greece*. Cambridge.

Halstead, P. 1987. Traditional and Ancient Rural Economy in Mediterranean Europe: Plus ça change? *JHS* 107: 77–87.

Hanson, V. 1995. *The Other Greeks. The Family Farm and the Agrarian Roots of Western Civilization*. New York.

Harris, E.M. 1997. A New Solution to the Riddle of the Seisachtheia. In *The Development of the Polis*, eds. L. Mitchell and P.J. Rhodes, 103–112. London.

Harris, E.M. 2002. Did Solon Abolish Debt-Bondage? *CQ* 52: 415–430.
Hodkinson, S. 2000. *Property and Wealth in Classical Sparta*. London.
Isager, S. and Skydsgaard, J.E. 1992. *Ancient Greek Agriculture*. London.
Jameson, M.H., Runnels, C.N. and van Andel, T.H. 1994. *A Greek Countryside: The Southern Argolid from Prehistory to the Present Day*. Stanford.
Johnston, A.W. and Jones, R.E. 1978. The 'SOS' Amphora. *ABSA* 73: 103–141.
Lauter, H. 1985. *Lathuresa: Beiträge zur Architektur und Siedlungsgeschichte in spätgeometrischer Zeit*. Mainz.
Link, S. 1991. *Landverteilung und socialer Frieden im archaischen Griechenland*. Stuttgart.
Lohmann, H. 1993. *Forschungen zu Siedlungs- und Wirtschaftsstruktur des klassischen Attika*. Köln/Weimar/Wien.
Manville, P.B. 1990. *The Origins of Citizenship in Ancient Athens*. Princeton.
Morris, I. 1994. The Athenian Economy Twenty Years after The Ancient Economy. *CPh* 89:351–366.
Morris, I. 2002. Hard Surfaces. In *Money, Labour and Land. Approaches to the economies of ancient Greece*, eds. Paul Cartledge et al., 8–43. London / New York.
Munn, M. and M.L. Zimmerman-Munn. 1990. On the Frontiers of Attica and Boeotia: The Results of the Stanford Skourta Plain Project. In *Essays in the Topography, History and Culture of Boiotia. Teiresias Supplement 3*, ed. A. Schachter, 33–40. Montreal.
Osborne, R. 1985. Buildings and Residence on the land in Classical and Hellenistic Greece: The Contribution of Epigraphy. *BSA* 80: 119–128.
Osborne, R. 1987. *Classical Landscape with Figures. The Ancient Greek City and its Countryside*. London.
Osborne, R. 1992. Is it a farm? The definition of agricultural sites and settlements in ancient Greece. In *Agriculture in Ancient Greece*, ed. B.Wells. 1992.
Osborne, R. 1996a. *Greece in the Making 1200–479 BC*. London.
Osborne, R. 1996b. Pots, trade and the archaic Greek economy. *Antiquity* 70: 31–44.
Osborne, R. 1997. Review of Lohmann (1993). *Gnomon* 69: 243–247.
Osborne, R. 1998. Early Greek Colonization? The Nature of Greek Settlement in the West. In *Archaic Greece: New Approaches and New Evidence*, eds. N. Fisher and H. van Wees, 251–269. London.
Osborne, R. 2001. Counting the Cost. Comments on David K. Pettegrew, 'Chasing the Classical Farmstead'. *Journal of Mediterranean Archaeology* 14: 212–216.
Osborne, R. 2004. Demography and Survey. In Alcock and Cherry (2004) 163–172.
Pettegrew, D.K. 2001. Chasing the Classical Farmstead: Assessing the Formation and Signature of Rural Settlement in Greek Landscape Archaeology. *Journal of Mediterranean Archaeology* 14: 189–209.
Pettegrew, D.K. 2002. Counting and Coloring Classical Farms: A Response to Osborne, Foxhall and Bintliff et al. *Journal of Mediterranean Archaeology* 15.2: 267–273.
Raaflaub, K.A. 1996. Solone, la nuova Atene e l'emergere della politica. In *I Greci: Storia, Cultura, Arte, Societa. Vol.II.1.*, ed. S. Settis, 1035–1081.

Raaflaub, K.A. 2004. *The Discovery of Freedom in Ancient Greece*. Chicago.
Renfrew, C. and M. Wagstaff, eds. 1982. *An Island Polity: The Archaeology of Exploitation in Melos*. Cambridge.
Rihll, T.E. 1991. HEKTEMOROI: partners in crime? *JHS* 111: 101–127.
Rihll, T.E. 1996. The origin and establishment of Ancient Greek slavery. In *Serfdom and Slavery. Studies in Legal Bondage*, ed. M.L. Bush, 89–111. London.
Rhodes, P.J. 1981. *A Commentary on the Aristotelian Athenaion Politeia*. Oxford.
Sallares, J.R. 1991. *The Ecology of the Ancient Greek World*. London.
Sancisi-Weerdenburg, H. 1991. Solon's Hektemoroi and Pisistratid Dekatemoroi. In *De agricultura*, eds. Sancisi-Weerdenburg et al., 13–30. Amsterdam.
Scheidel, W. 2003. The Greek demographic expansion: models and comparisons. *JHS* 123: 120–140.
Schils, G. 1991. Solon and the Hektemoroi. *Anc.Soc.* 22: 75–90.
Seaford, R. 1994. *Reciprocity and Ritual. Homer and Tragedy in the Developing City-State*. Oxford.
Tandy, D. 1997. *Warriors into Traders. The Power of the Market in Early Greece*. Berkeley.
van Wees, H. 1999. The Mafia of Early Greece. Violent exploitation in the seventh and sixth centuries BC. In *Organized Crime in Antiquity*, ed. K. Hopwood, 1–51. London.
van Wees, H. 2000. Megara's Mafiosi: Timocracy and Violence in Theognis. In *Alternatives to Athens: Varieties of Political Organisation and Community in Ancient Greece*, eds. R. Brock and S. Hodkinson, 52–67. Oxford.
Von Reden, S. 1995. *Exchange in Ancient Greece*. London. Paperback edition 2003.
Von Reden, S. 1997. Money, Law and Exchange: Coinage in the Greek Polis. *JHS* 117: 154–176.

CHAPTER FIFTEEN

MASS AND ELITE IN SOLON'S ATHENS: THE PROPERTY CLASSES REVISITED

Hans van Wees

Solon's world was a simple place. For him, there were only two social groups: 'the people' (*dêmos*) and 'the leaders of the people'.[1] The leaders were 'greater and superior in force'; they 'had power and were admired for their wealth'.[2] Although Solon criticised this ruling class for its greed and hybris, he referred to it in time-honoured fashion as 'the good men' (*agathoi*, *esthloi*), while calling their lower-class victims 'the bad men' (*kakoi*, *deiloi*).[3] He was no more specific when, in defence of his reforms, he claimed that he had liberated 'the people' from 'slavery', and had given 'bad man and good man' equality before the law.[4]

Later accounts agreed that a sharp dividing line ran through early Athenian society between a few rich and powerful 'notables' (*gnôrimoi*) and the 'enslaved' masses, and they fleshed out this picture with a range of colourful status terms not attested in the fragments of Solon's own work: the 'well-born' (*eupatridai*) on one side, 'sixth-parters' (*hektêmoroi*) and 'dependants' (*pelatai*) on the other.[5] At the same time, the Athenians were divided into four—rather than two—property classes, called, in descending order of wealth, 'five-hundred-*medimnoi*-men' (*pentakosiomedimnoi*), 'horsemen' (*hippeis*), 'yoke-men' (*zeugitai*) and 'hired men' (*thêtes*).[6]

Modern studies usually assume that the highest two property classes corresponded to the elite while the 'yoke-men' and 'hired men' consti-

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[1] *dêmou hêgemones*, fr. 4.7; cf. fr. 6. I am very grateful to Josine Blok, André Lardinois, and the conference participants for exceptionally stimulating comments on my paper, and to Tom Figueira, Simon Hornblower, Peter Hunt, Peter Krentz, Ted Lendon, Kurt Raaflaub, and Barry Strauss for commenting incisively and in detail on my previous attempt to tackle the property classes (van Wees 2001) and forcing me to re-think almost every issue.

[2] Fr. 37.4; 5.3.

[3] Fr. 34.8–9; cf. 13.39. Solon's conventional social distinctions: Mitchell (1997); Osborne (2000) 23–28.

[4] Fr. 36.1–20. For a complete text of this fragment, see the Appendix to this volume.

[5] 'Notables' versus 'masses', 'people': *Ath. Pol.* 2.1, 5.1. *Eupatridai*: e.g. *Ath. Pol.* 13.2. 'Sixth-parters' and 'dependants': *Ath. Pol.* 2.2–3; Plut., *Solon* 13.4.

[6] See esp. *Ath. Pol.* 7.3–4; Plut., *Solon* 18.1–2; Pollux 8.130.

tuted the masses. The few who rank the 'yoke-men' instead with the upper class of 'good men' assume that these formed a very wide 'elite', comprising up to half of the population. Either way, the *zeugitai* end up being regarded as a broad middle class consisting largely of independent working farmers and hoplites who amounted to a third or more of Athens' citizen population.[7]

Yet this is not how ancient scholars interpreted the situation. For them, the 'yoke-men' belonged to the elite, and the masses were entirely confined to the lowest property class, the 'hired men'. According to Aristotle, Solon reserved all political offices for 'the notables and the rich: the *pentakosiomedimnoi* and the *zeugitai* and a third property class, the so-called *hippas*', and in doing so simply continued existing 'aristocratic' practice.[8] Plutarch took a very similar view and explicitly identified the common people with the *thêtes*.[9]

Besides these statements, we have only two indications of the status of the 'yoke-men', and these diverge wildly: their name appears to suggest that they are working farmers, while the property qualifications attributed to them by classical sources suggest that they are leisured landowners. I hope to show that we must accept the implications of the property qualifications, as Aristotle and Plutarch did, and conclude that the 'yoke-men' ranked with the greedy elite, rather than with the exploited masses—which has dramatic implications for our understanding of archaic Athenian society and Solon's reforms.

An agricultural hierarchy: the names of the property classes

Our only clue to the ancient understanding of the term 'yoke-men' comes from Julius Pollux' *Onomasticon*, which noted that 'those who kept a span of oxen paid a certain *zeugêsion* tax', a tax which—rightly or wrongly—had been mentioned a few lines earlier as paid by the

[7] Rosivach (2002a) 36: 'The evidence suggests (and most modern scholars assume) that the main socio-economic gap in Athens fell between the *hippeis* and the *zeugitai*, and that the *zeugitai* should be grouped with the *thêtes* below them'. Thus e.g. Andrewes (1956) 87–89; Forrest (1966) 168–174; Starr (1977) 126; Donlan (1997) 45–46; Stanley (1999) 84–91, 205–210. Morris (1987) 94, 197, 206, and Bintliff, this volume, conceive of an elite of *agathoi* up to 50% of the population, including hoplites. For *zeugitai* as a 'middle' class, see also e.g. Hanson (1995) 112; Raaflaub (1997) 55; Wallace (1998) 16. For *zeugitai* as part of the elite, see Foxhall (1997) 130–131; van Wees (2001).

[8] Arist. *Pol.* 1274a16–22, and 1273b36–74a2.

[9] Plut. *Solon* 18.1–2, and 13.4.

zeugitai.[10] Pollux or his source evidently identified the two groups, just as other ancient authors identified the *hippeis* with those who kept horses.[11] So *zeugitai* may have been farmers prosperous enough to cultivate their land with a yoke of plough-oxen or mules.[12]

On the other hand, most scholars now believe that the term *zeugitai* referred to soldiers metaphorically 'yoked' together in the ranks of the hoplite phalanx.[13] *Zeugitês* was used as an adjective for animals and objects literally joined together by a yoke, and although a 'yoke' strictly denoted a pair, it could be used of teams of three or four, or even five.[14] Military applications of the yoke-metaphor go back as far as Homer's *Iliad*:

> Quick Aias son of Oileus no longer stood far apart from Aias son of Telamon, nor even a little way, but like two dark oxen, one in spirit, who strain at the fitted plough in the fallow—beads of sweat well up around the bottom of their horns but only the smooth yoke separates the pair as they strive to cut a deep furrow to the very edge of the ploughland—so these two men took a stand together and firmly stood by one another.[15]

Thucydides uniquely described the four men who formed the front rank of each Spartan unit in the battle of Mantinea as 'the first yoke'.[16] In Polybius and hellenistic treatises on tactics, 'yoke' (*zugos*, *zugon*) became a technical term for a rank, as opposed to a file, of soldiers, but this usage is not attested in classical literature: in the same passage

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[10] Pollux 8.130, 132.

[11] Whitehead (1981) 283–285, argued that by 'those who kept spans of oxen' Pollux meant specialists who raised oxen for sale or hire as draft-animals, not farmers who owned plough-oxen. However, it seems unlikely (a) that *zeugêsion* had two wholly distinct meanings and (b) that such a minor tax on an obscure profession would have featured in Pollux's short list of major taxes on trade and tithes on property. *Hippeis* as horse owners: *Ath. Pol.* 7.4; Plut. *Solon* 18.1–2; Pollux 8.130.

[12] See e.g. Frost (1984) 283–284; Hansen (1991) 43–46; Foxhall (1997) 131; Raaflaub (1997) 55.

[13] First suggested by Cichorius (1894), most fully defended by Whitehead (1981), and accepted by e.g. Rhodes (1993) 138; Hanson (1995) 111; de Ste. Croix (2004) 49–51; Raaflaub, this volume. I supported this view in van Wees (2001) 46, but as will become clear I now reject it.

[14] 'Yoked' oxen: Callim. *Hymn to Apollo* 48; mules: Diod. 17.71.2; pipes: Theophr., *HP* 4.11.3. Definitions of 'yoke' (*zeugos*): Pollux 10.53 (2, 3, 4 animals); Hesych. s.v. *zeugos triparthenon* (2, 3 or 4, citing classical examples of metaphorical application to groups of 3 women); Phot. s.v. *zeugos* (2, 4, 5, citing classical examples of teams of 4 horses).

[15] *Iliad* 13.701–708.

[16] Thuc. 5.68.3.

where Thucydides spoke of 'the first yoke' of four men, for instance, he called the front rank as a whole 'the first *taxis*'. Plutarch was clearly influenced by this later terminology when, in another unique passage, he referred to the ranks of the classical Spartan army as consisting of *zeugitai*, but this was never the normal term for soldiers in a rank even in the hellenistic period, when they were usually called *parastatai*.[17]

The agricultural interpretation 'yoke owners' and the military interpretation 'yoked men' are equally possible as far as etymology is concerned. The 'most common and probably oldest' use of words ending in -*tês*/–*tai* is as agent nouns: just as, say, *eretai* are 'those who row' and *polemistai* 'those who wage war', *zeugitai* could be 'those who yoke'.[18] Nouns ending specifically in -*itês*/–*itai* tend to mean either members of some group—for example, a phalanx (*phalangitai*) or a small military unit (*lochitai*)—or those who possess something—for example, a cuirass (*thôrakitai*) or hoplite equipment (*hoplitai*).[19] So *zeugitai* could be either those who belonged to a 'yoke' of soldiers or those who owned a yoke of draught animals.

The literary evidence, then, is not decisive: the single known usage of *zeugitai* in a military sense is balanced by the fact that its only attested ancient interpretation was in the agricultural sense as owners of a yoke of oxen. In context, however, the military interpretation of *zeugitai* is fraught with difficulty, and the agricultural meaning is by far the more plausible.

First, the names of the other property classes did not represent military categories. The 'five hundred-*medimnoi*-men' are regarded by some as a later addition to the system precisely because the label lacks any military connotation. 'Hired men' has no such connotations either, and the poor could easily have been named instead after their role as 'light-armed' (*gymnêtes*, *psiloi*). Only 'horsemen' could in principle have been understood in a military sense, but in practice this title would have been almost meaningless since archaic Athens knew little or no

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17 Plut. *Pelopidas* 23.3. *Zugos* as 'rank': Polyb. 1.45.9, 2.10.4, 3.81.2, 4.4.3, 18.29.5; Ael. *Tact.* 7.1; Arr. *Tact.* 8.1; Pollux 1.126–127 ('the front of a body of soldiers is the *metôpon* and *zugon* and *prosôpon* … to form a line lengthwise is *zugein*'). *Parastatai*: Herod. 6.117.3; Xen. *Cyrop.* 3.3.59; Polyaen. 2.10.4; Ael. *Tact.* 11.4; Pollux 1.127 ('the man stationed next to each soldier is the *parastatês*'). In my view, hoplites remained mobile and fluid formations throughout the archaic period: organised ranks and files were an innovation of the classical period, and it is no coincidence that *zugon* only later acquired its technical sense of rank: van Wees (2004) 151–197.

18 Buck and Petersen (1945) 544.

19 For examples, see Buck and Petersen (1945) 544–545.

organised cavalry and horse owners normally dismounted to fight on foot.[20] The *zeugitai* would thus have been the only class named for a distinctive role in war.

Secondly, if this property-class had indeed exceptionally been named for its military role, 'yoked men' would have been a strange label. In archaic Athens *zeugitai* was not a straightforward technical term for hoplites, but an epithet which metaphorically alluded to one particular aspect of infantry combat: close co-operation by pairs and small groups of men 'firmly standing by one another'. What is more, the positive military connotations of 'yoked men' would have had to contend with a set of strong negative political and social connotations because in archaic literature the yoke was also a powerful symbol of subjection and slavery.[21] It is hard to see why the Athenians would have settled on such an allusive and ambiguous term when the other classes had perfectly plain names and when they might have chosen any of a whole range of equally plain labels for their infantry: *aichmêtai* ('spearmen'), *aspistai* ('shield-men'), *panoploi* ('fully-armed men'), or indeed simply *hoplitai*.[22]

By contrast, the ancient interpretation of *zeugitai* as 'owners of oxen' produces a clear and consistent set of definitions of the property classes, appropriately enough in terms of how much land they owned. The three richer groups had, respectively, enough land to harvest 500 *medimnoi* a year, to keep horses, and to keep a team of oxen. The bottom class did not have enough land to be self-sufficient and was therefore reduced to working as 'hired men', be it as wage labourers or as sharecroppers. Agricultural societies often make a sharp distinction between farmers who are dependent on others for additional employment or access to land and the more prosperous working farmers who remain independent. In one Cypriot village,

> men only describe themselves as *gheorgos*, farmer, if they have a sizeable holding and no other job. It is a matter of pride …, for the self-

[20] *Pentakosiomedimnoi* a later addition: de Ste. Croix (2004) 48–49. *Gymnêtes*: Tyrtaeus fr. 11.35. Archaic horsemen as mostly mounted hoplites, see Greenhalgh (1973) 84–145; van Wees (2004) 176–177.

[21] 'Yoke' of submission: e.g. Theogn. 847–850, 1023–1024, 1357–1358; *H.Dem.* 217; Pind., *Pyth.* 2.93; Aesch., *Sept.* 75, 471.

[22] *Aichmêtai* and *aspistai* are used from Homer onwards (e.g. Tyrt. fr. 5.6 [Spartans] and Theogn. 868 ['a spearman saves his city and people']. *Panoploi*: Tyrt. fr. 11.38. *Hoplitai* admittedly is not attested before Pindar (*Isthm.* 1.23, c. 470 BC) and Aeschylus (*Sept.* 717, 467 BC).

> sufficiency implied by *gheorgos* (as opposed to the dependence implied in the word *ergatis*, labourer, for instance) is one of the strongest values in the village.[23]

In Sicily, independent working farmers are known as *burgisi* and distinguished from the *viddani*, 'peasants', who seek additional employment and are despised for it: 'If you see a snake, spare its life; if you see a *viddanu*, break his head!'.[24] Ancient Greeks felt no less strongly on the issue: working for others, rather than independently, was seen as humiliating, even as a form of 'slavery'.[25]

In many farming communities, ownership of plough-oxen is a prerequisite for independence. Villagers in central Turkey expressed their growing prosperity in these terms: 'Once the village was full of landless labourers, they said, but now they had all got their own oxen and started to plough for themselves'.[26] Those who have no draught animals may have to borrow from those who do own oxen or mules, and they may have to pay for this with their labour, as was the case in medieval Europe:

> The fundamental social distinction apparent in France as early as the tenth century finally split the peasantry into two distinct groups: those that had to work the land by hand [*manoeuvriers*], and, vastly superior to them, the *laboratores* [*laboureurs*], those rich enough to possess a plough team.[27]

The same relation appears to have existed in medieval England between ox-owning farmers called *husbands* and the poorer *cotters*.[28] Hesiod's contrast between on the one hand the well-equipped farmer who has his own span of oxen, his plough (and a spare) and his cart all ready for the sowing season, and on the other hand the 'ox-less man' who is reduced to borrowing confirms that in ancient Greece, too, ownership of draught animals was a major criterion of social status.[29]

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[23] Loizos (1975) 50.

[24] Gower Chapman (1973) 58–59, 60–61, 63.

[25] See e.g. Burford (1993) 167–181; Finley (1985) 40–41; Hemelrijk (1925). More comparative evidence: Davis (1977) 81–89; Friedl (1962) 32; Lison-Tolosana (1966) 67–70; and examples below.

[26] Stirling (1965) 137.

[27] Duby (1972) 187; cf. 197.

[28] Homans (1941) 73.

[29] Hes. *Op.* 426–440, 448–457. Cf. Hodkinson (1988) 39–40; Jongman (1988) 211. Ownership of plough-oxen has been seen as one of the bases of emerging stratification in Neolithic and Bronze Age Greece: Pullen (1992); Sherratt (1980).

'Yoke-men' is thus a highly meaningful term in opposition to the class of 'hired men' below them if it is taken, as surely it should be, in the sense of 'yoke owners'. At the same time, most independent farmers no doubt were sufficiently well-off to serve as hoplites on local campaigns during slack agricultural seasons, and in practice were also 'yoked men' in the army.

In modern Greece and elsewhere, about 2 ha (5 acres) of land, yielding up to 500 kg/ha of wheat grown by traditional methods, is enough to provide an independent livelihood for a family of four. Since it is common practice to allow half the land to lie fallow each year to regain its fertility, the total size of the family farm is twice as large, 4 ha (10 acres).[30] Not coincidentally, ancient evidence points to 4–6 ha as the most common size of lots in land-distributions in Greece.[31] Attica, however, was famous for its high yields of barley, the main local crop, perhaps as high as 800 kg/ha,[32] so that 1.5 ha, or 3 ha including fallow,[33] may have been enough for most Athenian farming families.

This would explain why in 322 BC, when a change of regime led to a restriction of political rights, only those who owned property worth at least 2,000 drachmas remained full citizens: at contemporary land

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[30] Jameson, Runnels and van Andel (1994) 283 (Argolid); cf. e.g. Brøgger (1971) 42–43 (5 ha, Calabria). In view of this comparative evidence, Gallant seems too generous in calculating its size at 3–4 ha without fallow (1991, 62–82); his own comparative evidence (82–86) does not always refer to subsistence farming with biennial fallow and without mechanisation or the use of chemical fertiliser.

[31] See esp. Burford (1993) 67–72, 113–116; Gallant (1991) 86–87; Jameson (1978) esp. 125 n. 13. Accepted as norm: e.g. Hanson (1995) 22, 188, 438, 407; cf. Murray (1993) 194; Garnsey (1988) 46; Skydsgaard (1988) 81; Hodkinson (1988) 39–40. For the inclusion of fallow, see n. 33.

[32] Barley as main crop: Theophr. *HP* 8.8.2. Estimated yield based on the average of 794 kg/ha for the years 1911–1950 (Gallant 1991, 77). A breakdown for 1921–1938 (Ruschenbusch 1988, 141–153) shows that this average is skewed upwards by a rise in yields after the introduction of chemical fertiliser, so 800 kg/ha must represent the highest average ancient Greeks could have achieved; cf. Garnsey (1992) 148; Foxhall (1997) 130; and further van Wees (2001) 48–51.

[33] So Osborne (1987) 46. The extent of biennial fallowing has been much debated. Very small farmers would have been unable to adopt this practice and forced to rely instead on other strategies, such as planting beans in the fallow. However, all our sources from Hesiod onwards (see Edwards 2003, 127–150) take biennial fallowing as the norm for those who could afford it; some insisted on leaving the fallow completely bare (Theophr. *CP* 3.20.7). Barley in particular was said to make such demands on the soil that biennial fallow might not be enough (Cato *De Agric.* 35.2; Colum. *RR* 2.9.14). In what follows, I therefore assume biennial fallow for all, from the family farm upwards. (In van Wees 2001, I assumed much less fallow, for the sake of argument).

prices this sum amounted to about 3 ha of land and a modest house.[34] The number of men who met the new property qualification—9,000—was about the same as the number of men who could afford to serve as hoplites at the time, a group likely to have included all independent working farmers, and those of comparable economic status.[35]

Self-sufficiency did not necessarily coincide with ownership of oxen. One much-cited calculation puts the minimum required for a man to be able to keep a yoke of plough animals at 5 ha, which fits the comparative evidence quite well.[36] The distinction between self-sufficiency and ownership of oxen may have been glossed over for the purposes of property classification, or else there may have been a real gap between 'hired men' and 'yoke-men', i.e. few, if any, farmers whose properties were large enough to be self-sufficient yet too small to sustain a pair of oxen. This is a point to which we shall return. If the boundary between *zeugitai* and *thêtes* was drawn at self-sufficiency, more than half the population fell below it: in 322 BC, when 9,000 men remained citizens, either 12,000 (57 %) or 22,000 (71 %) lost their rights because their properties were worth less than 2,000 drachmas (see Appendix I). If the dividing line was drawn at yoke-ownership a still larger proportion of citizens obviously counted as *thêtes*.

Still judging the nature of the property classes by their names alone, the major criterion for the next boundary, between *zeugitai* and *hippeis*, would have been ownership of a horse, or more probably a pair of horses, since riders in archaic art are accompanied by an attendant who is himself also on horseback. A single horse consumed as much barley as an entire family did, which in itself implies a minimal farm holding twice as large as that of an owner of oxen, but on top of that its purchase price was the equivalent of a harvest of no less than 5 ha planted with barley.[37] A horse-owner must therefore have been at least three or four times as well-off as a mere yoke-owner, and four or five

[34] Diod. 18.18.4–5. Inscriptional evidence suggests 50 dr per *plethron* (0.09 ha) as a standard price for publicly auctioned land (Andreyev 1974, 14–18; Lambert 1997, 229–233, 257–265), so 3 ha would have been worth 1,650 dr.; a higher price of 83 dr per *plethron* is also attested (Lysias 19.29, 42).

[35] See Appendix I.

[36] See Appendix II.

[37] Spence (1993) 272–286, shows that a horse consumed about 30 *medimnoi* of barley a year, and that it cost at least 300–500 dr when a *medimnos* of barley sold for 3–4 dr (in the fourth century BC). Thirty *medimnoi*, or 960 kg, of barley amounts to the harvest of 1.5 ha at 800 kg/ha, minus one-fifth for next year's seed-grain; by the same calculation, the 100 *medimnoi* or so needed to buy a horse required 5 ha.

times as well-off if he owned a pair of horses, which gives a minimum landholding of 7.5–12.5 ha under cultivation, 15–25 ha including fallow.

An intensive ploughing regime, hard work, and a long sowing season made it possible to cultivate 10–15 ha with a span of oxen (see Appendix II), so that the point at which a farmer needed more than a single pair of draught animals roughly coincided with the point at which he could begin to keep horses. The *zeugitai* may therefore have been envisaged not just as 'yoke-owners', but specifically as those who owned one yoke of oxen and no more.

The highest class, finally, had its property census written into its name. *Pentakosiomedimnoi* produced 500 *medimnoi* a year, the *medimnos* being a dry measure of c. 52.2 litres. As Geoffrey de Ste. Croix brilliantly demonstrated, Solon's laws, enacted before the introduction of coinage at Athens, used a 'barley-standard' to express values, equating for instance a sheep with one *medimnos* of barley.[38] Clearly, the highest class was originally defined in terms of this barley-standard, which proves that it originated in Solon's day if not earlier—before the introduction of coinage and the increasing monetisation of Athens from 550 BC onwards. A *medimnos* of barley weighed just over 32 kg, so the minimum annual barley harvest of a landowner in this class was 16,000 kg, which at a rate of 800 kg/ha would have required 20 ha, plus 20 ha in fallow. This was double, or nearly double, the minimum owned by *hippeis*, and 40 ha of land alone would have been worth about 22,000 drachmas at fourth-century prices.

This put the *pentakosiomedimnoi* on a par with what modern scholars call the 'liturgical class': owners of properties of at least 3–4 talents (18,000–24,000 drachmas), who in classical Athens were liable to take on the most costly public liturgies. This rough equivalence is confirmed by the size of the liturgical class, about 1,200 men, close to the number of *pentakosiomedimnoi*, which was about 1,000. If the liturgical class was slightly larger, this was because it included rich men regardless of the source of their wealth, whereas the *pentakosiomedimnoi* included only those whose wealth was primarily derived from land.[39]

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38 De Ste. Croix (2004) 33–40, citing esp. Plut. *Solon* 23.3, and Isaeus 10.10.

39 Minimum 'liturgical' property 3–4 tal.: Davies (1971) xx–xxiv; (1984) 28; cf. Ober (1989) 128–129. Numbers: Rhodes (1982) 1–5, for liturgical class of 1,200 from late fifth century onwards; Davies (1971) xxvi; (1984) 36–37 (cf. van Wees 2001, 52), for 1,000 *pentakosiomedimnoi* in late fifth century (implied by their production of 30 new Treasurers every year). Landed wealth only: see below.

So much for the social structure which appears to be implied by the names of the property classes: *pentakosiomedimnoi* and *hippeis* at the top, with properties upwards of 20–25 ha, including fallow; the *zeugitai* next, with properties upwards of 3–5 ha; and the *thêtes* at the bottom, with very small farms or no land at all. By the late fourth century, the *pentakosiomedimnoi* would have constituted no more than 5 % of the citizen body and the *hippeis* perhaps a similar proportion; the *zeugitai* made up about a third, and the *thêtes* well over half of the citizen population (see Appendix I). This fits well with the conventional picture of Athenian society—which makes it all the more surprising that the actual quantitative census attributed to the *zeugitai* points in a very different direction.

Measured by the bushel: the qualifications of the property classes

Our sources say that the *pentakosiomedimnoi* were those whose annual income was at least 500 'measures, both dry and liquid' of agricultural produce 'from one's own property'. Evidently, as Athenian economic life became more monetised, the barley standard was abandoned and forgotten, and the property censuses were reformulated in terms of 'dry and liquid measures' instead.[40] In principle, this left a good deal of room for variation in the size of the farming estate. A measure of wine, wheat or olive oil, respectively, required about 0.5, 1.5 and 2.5 times as much land as a measure of barley. In practice, however, the size of most 500-measure estates will not have deviated very much from the average, not only because barley was the largest crop grown in Attica, but because farmers usually cultivated olives or vines alongside grain, rather than specialising in one to the exclusion of the other.[41] The highest class is thus confirmed as a small elite of owners of at least 40 ha of land.

[40] Sources as cited in n. 6, above. De Ste. Croix (2004) 55, suggests that *pentakosiomedimnoi* in classical Athens were only *informally* defined by their income of 500 measures 'of all kinds'. Note that this invalidates his earlier claim (33–34) that the expression of censuses in 'liquid and dry' measures was too vague to have been genuinely used and must have been a later invention (see further below).

[41] See Van Wees (2001) 48–52. On the range of crops, see e.g. Burford (1993) 127–137; Isager and Skydsgaard (1992) 19–43. On the dominance of barley, see Garnsey (1988) 102–103.

The *hippeis*, we are told, had an income of at least 300 liquid and dry measures. Reckoned in terms of barley, as constituting both a rough average and the bulk of a *hippeus*' actual produce, this amounted to 9,600 kg, or 12 ha at 800 kg/ha, which nicely fits the inference we made from the name of this class: the 'horsemen' owned at least 24 ha, including fallow.

The *zeugitai*, however, are a different story. They are said to have had an income of at least 200 measures, which amounted to 6,400 kg, and, as Lin Foxhall pointed out in an important paper, was in principle enough to sustain more than 30 people for a year. Even after deducting a substantial amount for seed-grain and animal-food, 200 *medimnoi* would have been ample to sustain up to 15 people.[42] Assuming the same yields as before, a harvest of this size required 8 ha under cultivation and 16 ha of land in total, which is between 3 and 5 times as much as the 3–5 ha which we inferred from the names of the *zeugitai* and *thêtes*. It is also, of course, two-thirds of the amount owned by *hippeis*, rather than one-fourth or one-fifth as suggested.

An estate of 16 ha would have been worth 9,000 drachmas in the fourth century, without counting the value of the house, the animals and the slaves. Leased out at a normal rent, such an estate would bring its rentier owner a clear annual revenue of 720 drachmas, twice as much as a generous wage and four times as much as a family needed for its subsistence.[43] The *zeugitai* thus appear to be, not working farmers with just enough property to maintain their economic independence, but landowners who could afford to live off the labour of slaves, labourers, sharecroppers and tenants. They were rich enough to count as members of the 'leisured classes'.[44] And if the two higher classes comprised no more than 10 % of the population, as we saw, we must assume that leisured landowners in the narrow property-band between 200 and 300 *medimnoi* could not have comprised much more than another 5–10 % of adult male citizens.

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[42] Foxhall (1997) 130; van Wees (2001) 47–48. Rosivach (2002a) 37–38, estimates c. 35 people.

[43] Properties appear to have been rented for about 8 % of their value: Isaeus 11.42; *IG* II^2 2496.12–14, 25–28. For 1 dr as a day's wage, and 3 ob/day as a subsistence minimum, see Loomis (1998) 220–239.

[44] The leisure-class threshold is set at 1 talent (6,000 dr.) by Davies (1984) 28–29; Ober (1989) 128–129; contra Markle (1985) 295–297, who set it at about half this amount.

In short, if *zeugitai* harvested 200 *medimnoi* a year, they were wealthy and they were few: 'notable and rich' men, just as Aristotle described them. How, then, are we to explain the enormous discrepancy between the yoke-men's modest name and elevated economic status?

Geoffrey de Ste. Croix argued that we should simply ignore the formal property qualifications for *zeugitai* and *hippeis* as later inventions. He rightly pointed out that no such qualifications could have been laid down in law by Solon, or else there would have been no room for fourth-century writers to disagree, as they did, on whether the *hippeis* had been defined by a census in dry and liquid measures or simply by horse-ownership.[45] One might suppose, then, that anti-democrats claimed Solon as a fellow-oligarch and insisted that his census for the *zeugitai*, who shared full citizen rights, had been much higher than the name would suggest. This would have been an outrageous fabrication—far more oligarchic in spirit than the so-called constitution of Draco, which clearly *was* a classical invention, granting office-holding rights to anyone with property worth a mere 1,000 drachmas[46]—and it would be surprising that none of our sources express the slightest hint of doubt about its veracity, but it is in principle just about a conceivable scenario.

We have, however, clear evidence that in the fourth century the wealth of the *zeugitai* was indeed as great, or nearly as great, as their property qualification indicates. This takes the form of a law, cited in a court speech of c. 350 BC and in a later comedy, concerning a situation in which a woman inherited a property in the *thêtes*-class, and her nearest male relative, who would normally be expected to marry her, belonged to a higher property class himself and did not want to take her as his wife. The law obliged the man in question to provide his poor niece or cousin with a dowry of 500 drachmas if he was a *pentakosiomedimnos*, 300 if a *hippeus*, and 150 if a *zeugitês*.[47] Clearly these dowry sums were meant to be somehow proportional to the size of

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[45] *Ath. Pol.* 7.4. De Ste. Croix (2004) 46–56; similarly Rosivach (2002a) 39–41, 47 ('educated guesses', but far off the mark). Neither author explains *why* Aristotle or his source set the zeugite census far too high.

[46] *Ath. Pol.* 4.2.

[47] Dem. 43.54; Posid. Com. fr. 38K–A (= Harp. s.v. *thêtes kai thêtikon*). Cf. Lysias fr. 207 Sauppe (= Harp. s.v. *pentakosiomedimnoi*); Diod. 12.18.3. This was a current law, not an obsolete archaic statute (contra Rosivach 2002a, 44–45, 46), as is clear not only from Demosthenes' citation, but also from the level of the dowries: in the sixth century, 500 dr. was the equivalent of 500 *medimnoi* of barley (Plut. *Solon* 23.2), i.e. the entire harvest of a *pentakosiomedimnos*, which would have ruined him.

the dowry-giver's property, and they provide yet more confirmation of the ratio between the wealth of the top two classes, as indicated by both their property censuses and names. As for the *zeugitai*, their 150-drachma dowries show that in the fourth century they must have had properties no smaller than half the size of a *hippeus*' estate: it would have gone against Athenian democratic practice to make the less well-off shoulder disproportionately heavy financial burdens. Conversely, it would be perfectly in accordance with democratic practice to make the less well-off carry a disproportionately light financial burden, so that the legally required dowry sum may very well correspond to a property census of 200 measures.[48]

Since the property qualifications which were in force in fourth-century law were very similar to, and probably the same as, the qualifications attributed to Solon, it is likely that classical authors simply drew on contemporary practice when describing the Solonian system. This would explain the line of argument adopted by the author of *Athênaiôn Politeia* against those who believed that under Solon *hippeis* were defined by horse-ownership rather than by an income-based census. The latter cited in evidence the name of the class, and an old statue on the Acropolis which had been dedicated by a man who had risen to the status of *hippeus* and which represented him flanked by a horse. 'But', our author countered, 'it is surely more likely that they were defined by measures, like the *pentakosiomedimnoi*'.[49] If this had been the only basis for his view—a view adopted by both our other sources—it would have been very feeble, since the figure of 300 measures would appear to have been simply pulled out of the air. If, however, the censuses attributed to Solon were drawn from current legal practice, his argument was cogent: his point was that the name of the *pentakosiomedimnoi* showed that their current qualification of 500 measures went right back to the beginning, so that the *hippeis*, too, had surely been defined from the start by their current census.[50]

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[48] As in the case of taxes: see below. De Ste. Croix cited this law as a possible inspiration for the 'invented' property classifications (2004, 47), but apparently failed to see that the law only made sense if the property classes were indeed as rich as the 'inventor' claimed. The 'constitution of Draco' imposes fines on those who fail to attend council or assembly meetings, at a rate of 3 drachmas a day for *pentakosiomedimnoi*, 2 for *hippeis* and 1 for *zeugitai* (*Ath. Pol.* 4.3). The inventor of this scheme must have thought that a *zeugitês* owned at least half as much property as a *hippeus*, and may well have had a census of 200 measures in mind.

[49] *Ath. Pol.* 7.4.

[50] De Ste. Croix (2004) 53; cf. 31–32, argued that, if the 300-measure census had

In a property-class system which defined wealth in terms of agricultural produce 'from one's own property', those who derived their wealth mostly from manufacture, trade, mining or money lending were relegated to the rank of *thêtes* and excluded from the rights and obligations of the higher classes. Such a political system was still entirely conceivable in classical Athens, as is evident from a (rejected) reform proposal of 403 BC which aimed to restrict *all* political rights to those who owned land.[51] In practice, however, rich men without landed wealth also held office by the late fifth century. One might think that the Athenians would have changed their property censuses by this time to include all kinds of property, rather than just landed estates, but there is no evidence that this happened.[52] Instead, I would suggest, the property censuses continued to be defined in traditional terms of landed income, and it was precisely because they were no longer adapted to political and economic realities that they gradually came to be ignored, as we shall see, without ever being formally abandoned.[53]

If we accept that the property censuses for the *hippeis* and *zeugitai* in the classical period were indeed what they are said to have been, another way to explain the discrepancy between the name and the census of the *zeugitai* might be to assume that originally, under Solon, they were humble, yoke-owning, independent working farmers, but that at some later stage the census was drastically raised to the leisure-class level reported by later authors. Thus, Kurt Raaflaub suggests, in the present volume, that the census was raised in the mid-fifth century in order to restrict the obligation to serve as a hoplite to a narrower group, which at this time was still large enough to provide all the hoplites Athens needed, and thereby to free up more citizens for service in the navy, which always struggled to find enough manpower.

This bold and original theory has the merit of being compatible with the evidence, but, as Raaflaub freely admits, creates new problems of

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applied in the fourth century, the author of *Ath. Pol.* would have said so in support of his argument. But the fact that this census existed in his own day would not have proved that it already existed under Solon, whereas the argument from analogy with the original census of the *pentakosiomedimnoi* was very much stronger.

[51] Reform proposal: Dion. Hal. *Lysias* 32; see also below, p. 373.

[52] Against the common idea that the property classes were redefined to include non-landed property, which I myself adopted in van Wees (2001) 51, see de Ste. Croix (2004) 40–46, 51–56. (I hope to show that his view that only the *pentakosiomedimnoi* continued to be defined by landownership is untenable).

[53] See below for the implications for the development of taxation in Athens.

interpretation. Above all, it implies that the office-holding rights which Solon had bestowed on *zeugitai* in their presumed original sense of a broad class of independent working farmers and hoplites, were now confined to *zeugitai* in their new guise as a narrow elite of leisured landowners.[54] Such a constitutional change would have been as drastic and fundamentally undemocratic as any brought about by the short-lived oligarchic coups of 411 and 404/3 BC, and is surely inconceivable in the era of Ephialtes' and Pericles' democratic reforms. Nor is it easy to find any other time after Solon's reforms when a sharp, lasting reduction of office-holding rights might have been introduced. Even the tyranny of Pisistratus and his sons tended to cultivate popular support, not to alienate it, and was in any case said to have instituted no great constitutional changes.[55]

We are left with no option but to accept that the high property threshold for *zeugitai*—originally defined in barley-standard *medimnoi*, then redefined in 'dry and liquid measures', just as in the case of the highest class—was indeed a feature of the Solonian classification scheme.

This in turn leaves us, it seems to me, with only one plausible explanation of the name and economic status of *zeugitai*, which is that they did in fact coincide in Solon's day. This would have been the case if in early Athenian society the mass of the *thêtes*, dependent smallholders and landless men, were separated from the elite of leisured property-owners, not by a middle class of independent working farmers, but by a yawning gap. The *thêtes* could by definition not afford to keep oxen, and if there were no middle-sized farmers, the only 'yoke-men' were to be found among the elite. Those who owned a pair of oxen—and probably no more than a single pair—formed a first narrow stratum of leisured landowners, followed by those who also owned horses and presumably more than one span of oxen, and those who owned so much land that it could only be expressed in measures of produce. In other words, the social and economic stratum of independent, working, yoke-owning farmers did not yet exist in Athens around 600 BC—or, at any rate, was so small as to be negligible—and it was only later, when a 'middling' class of farmers developed and grew to make up about a third of the population, that large numbers of yoke-owners could be

[54] For office-holding rights in the classical period, see below.
[55] Esp. Herod. 1.59.7, with discussion by Sancisi-Weerdenburg (2000).

found outside the group of the *zeugitai*, whose traditional name and property census, however, remained unchanged.

Such a highly polarised regime, under which an elite of 10–20 % of the population controls sufficient land and labour not to have to work while the remaining 80–90 % of the population does not have enough land to survive without additional income, is exactly what prevailed in Athens before Solon, according to our sources. 'All the land was in the hands of a few', said the author of *Athênaiôn Politeia*, and both he and Plutarch went on to describe how the mass of people were forced to work the lands of the rich as 'dependants' or as sharecroppers of the type known as 'sixth-parters', and how they were also forced to borrow at the risk of being sold into slavery if they did not pay their debts.[56]

Moreover, such a regime has many parallels in the modern Mediterranean world. The last census taken by the Kingdom of Naples, in 1823, for example, shows numerous small towns in central Italy where only 15–20 % were classified as *possedienti*, 'landowners', self-sufficient farmers, many of them rentiers, while about 80 % of the inhabitants were landless men or *contadini*, 'peasants', smallholders forced to find additional employment, mostly as sharecroppers or hired labourers.[57] A survey of agricultural conditions in Sicily in 1885 concluded, with an Aristotelian turn of phrase, that 'the land is in the hands of a few' and the rest are dependent on exploitative sharecropping contracts. In one village, 12 % of landowners controlled 90 % of the land, an average of 84 ha each, while 88 % of landowners between them shared the remainder, an average allotment of 1.4 ha, including fallow.[58]

Finally, if property was similarly unequally distributed in early Athens and ownership of plough animals highly restricted, the possession of a yoke of oxen or mules would not only have been a status symbol but a source of power. The bulk of the population would have been dependent on the elite not only for access to land and seed-grain but also for draught-animals. Hesiod's 'ox-less man' looking to borrow oxen and a cart from his neighbour comes to mind again, as does the story that Pisistratus made gifts or loans of oxen to farm-

[56] *Ath. Pol.* 2.2, 4.5; Plut. *Solon* 13.2. For discussion, see van Wees (1999) 18–24.

[57] White (1980) 85–86.

[58] Blok (1974) 41–42, 52, 245 Tables II and III. See also Brøgger (1971) 37–38 (Calabrian village: 83 % of holdings are too small to maintain a family, and 'only a small percentage of viable properties are actually owned by peasants' as opposed to non-resident rentiers); Davis (1977) 81–89.

ers.[59] Lending and borrowing of draught-animals can take many forms, some co-operative and egalitarian, others exploitative and hierarchical. In parts of Ethiopia, it is reported, farmers may demand two days of free labour in exchange for every day their oxen are borrowed, while others demand up to 30 % of the crops produced; elsewhere, ox-owners are formally obliged to do the ploughing for the ox-less first, precisely 'to avoid profiteering'.[60] If in early Athens some of the more exploitative arrangements existed, yoke-ownership would have been an all the more striking attribute, not of the modest middling yeoman, but of the ruling elite.

In short, the names and qualifications of the property classes do coincide and make sense—but only if we accept that Athenian society under Solon was characterised by extreme inequality land-ownership, which inevitably entailed widespread dependence, and that within this highly polarised community the *zeugitai* were not leaders of popular resistance but a section of the 'notable and rich' classes whose exploitation of the poor provoked the crisis.

Citizens, tax-payers, soldiers: the property classes in action

Solon's property-class system did not enfranchise a middle class of independent owner-cultivators and hoplites, but confined certain rights and obligations to a small, strictly defined elite. How, then, did these property classes function in archaic and classical Athens?

Politics

Most obviously, Solon did not take any great steps towards democracy so far as access to political office was concerned. Initially all the highest magistracies were reserved for the *pentakosiomedimnoi*, and even when 137 years later *zeugitai* finally became eligible for the archonships, the remaining 80–85 % of adult men were still formally excluded from all office.[61] Solon's Council of Four Hundred presumably also consisted of

[59] Ael. *VH* 9.24; *Ath. Pol.* 16.2–4; with van Wees (1999) 34.

[60] Spiess (1994); cf. above on medieval farmers, also Davis (1977) 50; Sherratt (1980); Foxhall (1990) 107.

[61] See *Ath. Pol.* 26.2, 47.1; Demetrius of Phaleron *FGrH* 228 fr. 43 (= Plut. *Arist.* 1.2). See Ryan (2002) for the possibility that *zeugitai* had had access to archonships earlier.

the richest 15–20 % of citizens only, and the same was probably true of Cleisthenes' Council of Five Hundred, at first.[62]

So far as we can tell, office-holding rights were never formally extended to the *thêtes*; instead, the legal qualifications were eventually simply ignored. The last sign of the property classes playing an active political role occurs in 403 BC, when only members of the top three classes were allowed to judge those who had held office under the oligarchy.[63] By 350 BC, a man could 'register a small property census, but expect to hold magistracies as if he belonged to the *hippeis*-class'.[64] A generation later, *Athênaiôn Politeia* noted that the treasurers of Athena were drawn 'from the *pentakosiomedimnoi* according to the law of Solon, because that law is still in force, but the person selected by lot will hold office even if he is very poor'; similarly, 'even now, when one is about to be entered into the draw for some magistracy and is asked to which property class one belongs, not a single person would say "The *thêtes*"'.[65] Clearly, by the mid-fourth century only lip service was paid to the property-class system: regardless of their actual wealth, candidates were expected to confirm that they were members of the class stipulated by law.[66]

The property classes probably began to be ignored not only because democratic ideals made timocratic restrictions on office-holding unacceptable, but also, and perhaps more importantly, because this timocratic system was based exclusively on land-ownership and increasingly out of step with a world in which some of the richest men owned no land at all.[67]

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[62] Council of 400: *Ath. Pol.* 8.4; with de Ste. Croix (2004) 83–89. Cf. the fictional Council of 401 attributed to Draco, all members of which were assumed to belong to the three highest classes (*Ath. Pol.* 4.3). Council of 500: in the mid-fifth century the rules probably required only a three-year gap between years of service (*IG* I^3 14.8–12 = Fornara 71), which allowed a much narrower group to fill all places than was the case by the late fourth century (*Ath. Pol.* 62.3); cf. de Ste. Croix (2004) 164–167.

[63] *Ath. Pol.* 39.6.

[64] Isaeus 7.39.

[65] *Ath. Pol.* 47.1; 7.4.

[66] So de Ste. Croix (2004) 8–10; Rosivach (2002a) 45–46; cf. van Wees (2001) 55 and n. 60.

[67] E.g. Dem. 27.4; Lys. 34.4 on 'many' landless cavalrymen in 403 BC (cited below, p. 373).

Taxation

The same structural economic change may explain why for most of the fourth century the property classes played no role in the raising of taxes, although one would expect taxation to be an important element, indeed the very *raison d'être*, of any property-class system. In 378/7 BC, at the outbreak of yet another war against Sparta, the Athenians conducted a survey of all movable and immovable property in Attica in order to assess liability to pay the war tax (*eisphora*). Clearly, from this point onwards, war taxes were levied on all property, not just on the landed estates which defined the property classes. The details of how taxes were raised are obscure on many points, but certainly involved no reference to Solon's classes either.[68] Scholars almost always assume that the system must have been similar prior to 378/7 BC, but in fact we have no information on how war taxes were raised earlier, so it is possible that the property classes did use to play a role in taxation. Indeed, the major purpose of the reform may have been to increase revenue by no longer confining liability to landowners, but extending it to those whose wealth derived from non-agricultural sources.[69]

The fiscal role uniquely attributed to the property classes by Julius Pollux may therefore refer to the system of raising war taxes which existed before 378/7 BC. Pollux claims that the *pentakosiomedimnoi* 'paid a talent into the public treasury', while the *hippeis* 'paid half a talent', the *zeugitai* 'paid 10 minae' and the *thêtes* 'did not pay anything'.[70] The sums add up to 10,000 drachmas, to which one should probably add the one-sixth of the war tax which the metics were collectively liable to pay,[71] making a total of 12,000 drachmas or 2 talents. This amount is too small to be the total tax raised and too large to be paid by a few individuals, but could well represent the sum required from each of the tax-paying units which we may assume preceded the 100 'contribution groups' (*symmoriai*) created by the reform of 378/7 BC.[72]

[68] Reform: Polyb. 2.62.6–7; Philochorus *FGrH* 328 fr. 41; cf. Cleidemus *FGrH* 323 fr. 8; Dem. 14.19; 22.44. Details of *eisphora*-levies after this date: see e.g. Dem. 27.7, 9, and discussions by de Ste. Croix (1953); Thomsen (1964); Brun (1983); Rhodes (1982).

[69] Metics, who could own no land, were assessed on all their property as early as the 390s (Isocrates 17.49; de Ste. Croix 2004, 60–61), but we cannot infer that the same was true of citizens at the time.

[70] Pollux 8.130; cf. schol. ad Plato, *Rep.* 550c.

[71] Dem. 22.61; *IG*² II–III 244,20; the alternative interpretation that metics paid one-sixth of the value of their property in tax would entail an impossibly heavy burden.

[72] This interpretation of Pollux is a modified version of Thomsen (1964) 104–118,

There is no reason to reject this evidence, as scholars often do: it is perfectly possible that the *pentakosiomedimnoi* collectively were obliged to stump up half of the war tax, the *hippeis* a quarter and the *zeugitai* one-twelfth.[73]

If the property classes paid taxes in classical Athens, they are likely to have done so under Solon as well, whether in the form of levies on agricultural produce or in silver bullion, a common kind of pre-coinage 'money'. Later sources speak of forty-eight administrative units called *naukrariai* which were responsible for *eisphorai*, amongst other things, and managed funds referred to in old laws as 'the silver of the *naukraroi*'.[74] Within these units the property-classes may well have played a fiscal role similar to the one outlined by Pollux. Indeed, it is conceivable that Pollux described a direct descendant of the Solonian system, as it functioned in the fifth century. The *naukrariai* lost many of their functions in the reforms of Cleisthenes, but according to the fourth-century author Cleidemus fifty new *naukrariai* were created, similar to the later *symmoriai*. Perhaps these new units remained responsible for raising warships and war taxes, and, after 483 BC, when they also lost their naval role—to the new institution of the trierarchy—for the collection of war taxes only.[75] If so, Pollux' scheme may represent the sums contributed by each property class within each of the fifty new *naukrariai*, and the standard fifth-century *eisphora* levy may have been 100 talents in total.

Indirect evidence for the fiscal role of the property classes may be found in events of the year 428/7 BC, when 'for the first time' a war tax of 200 talents was raised—maybe twice as much money as normal—as well as an emergency general levy of citizens to man the fleet, from

who, however, argued that even before 378/7 there were 100 'contribution groups' (*symmoriai*), a suggestion too hastily endorsed by van Wees (2001) 54–55. Alternatively, the 2 tal. may simply have been a unit of reckoning: if e.g. 60 tal. were raised, the actual contributions would have been 30 times the sums given by Pollux.

[73] An objection often raised (e.g. de Ste. Croix 2004, 56–60) is that Pollux implies a 'progressive' tax too complex for the ancient world. However, administratively speaking a set of property tax bands is much simpler than a percentage-based tax on the value of each individual property, and the principle of making the rich pay a higher proportion is in any case enshrined in the principle that the very richest pay for liturgies as well as tax, and that the poorer pay, not just less tax, but no tax at all.

[74] *Ath. Pol.* 8.3.

[75] Cleidemus *FGrH* 323 fr. 8. On the *naukrariai*, see van Wees (2004) 203–204, 233–234.

which only the *pentakosiomedimnoi* and *hippeis* were exempted.[76] Perhaps the two highest classes were felt to have earned their exemption by paying the lion's share of an exceptionally heavy tax; the *zeugitai* paid proportionally much less and were not granted the same respite.[77]

Warfare

Three snippets of evidence dating to the years of the Peloponnesian War show that service in the hoplite militia was compulsory for the three richest classes. The main evidence is Thucydides' comment that the Athenian hoplites who went to Sicily consisted of 1,500 men 'from the list' and '700 *thêtes* as marines for the ships'.[78] The contrast between the two groups strongly suggests that the *thêtes* were the only property class not liable to be placed on the 'list' (*katalogos*) of those obliged to serve in the infantry. The other two sources were both cited in Harpocration's *Lexicon* under the entry '*thêtes* and *thêtikon*': 'Antiphon in his speech *Against Philinos* says "and to make all the *thêtes* hoplites" … That they did not serve in the army Aristophanes, too, says in *The Banqueters*'. The last sentence seems clear, and most scholars have concluded that the three wealthier classes were obliged to serve in the hoplite militia, but that the *thêtes* were barred from serving.[79]

In ancient Greece, however, property requirements for military service did not normally actively forbid anyone to serve. Rather, they made service obligatory for some and optional for others, as is clear from Aristotle's discussion of property censuses in the *Politics*. Aristotle argued that the census should be set high, so that only a small majority of the population enjoyed full citizen rights, but he expected that 'the poor' who fell below this high census would still be able to afford hoplite arms and armour and be available for military service: 'they will usually refuse to serve in time of war if they do not receive rations and do not have any means, but if someone does give them rations they

[76] Thuc. 3.16.1, 19.1. I follow Hornblower (1991) ad 3.19.1, in understanding Thucydides as saying, not that this was the first *eisphora*, but that it was the first which raised as much as 200 tal.

[77] This is more or less the interpretation offered by the scholiast on 3.16.1, as noted by Rosivach (2002a) 42 n. 23, but 'easily dismissed', for reasons not given.

[78] Thuc. 6.43.1.

[79] Antiph. fr. 61 Thalheim; Ar. fr. 248K–A. E.g. de Ste. Croix (2004) 19–24; Hanson (1995) 111–112. Rosivach (2002b) rightly points out that this is remarkably little evidence, but his attempt to explain it away altogether is unsuccessful because it does not account for Thuc. 6.43.1.

are prepared to go to war'.[80] The difference between the two groups is that those above the census are obliged to serve, while those below the census can serve, but cannot be compelled. The situation is similar, Aristotle explains, in many oligarchic states where 'the poor are allowed not to possess arms and armour, but the rich are liable to a fine if they do not have any, and if they do not train the poor are not fined but the rich are'.[81] Thucydides' contrast between hoplites 'from the list' drafted into service, and hoplite *thêtes* whose services are available for hire, suggests the same distinction, and the plan mentioned by Antiphon 'to make all the *thêtes* hoplites' also fits with a situation in which some but not all *thêtes* are already capable of fighting as hoplites. As for Harpocration's paraphrase of Aristophanes, it is quite conceivable that he misinterpreted a comic allusion to the fact that *thêtes* were not under an obligation to serve as hoplites, and wrongly inferred that they did not serve at all.

The military demands on the Solonian property classes were presumably formulated in the sort of terms envisaged by Aristotle, requiring the highest classes to equip themselves for war, without necessarily excluding the rest of the population from voluntary military service. A late sixth-century decree stipulated that Athenian settlers at Salamis were obliged to pay taxes and to fight as hoplites, providing themselves with arms and armour worth at least 30 drachmas,[82] and this may well have been modelled on the obligations of the higher property classes in Athens itself. If, in the early sixth century, landownership was as unequally distributed as we have argued, the vast majority of *thêtes* were *de facto* excluded from hoplite service because they could not afford the arms and armour. But they were not legally excluded and there was nothing to stop them serving if a richer neighbour, employer or patron were to equip them, or if they could in some other way get hold of a spear and shield. And nothing other than economic constraints ever stopped *thêtes* from joining the army as light-armed.[83]

[80] Arist. *Pol.* 1297b1–13.

[81] Arist. *Pol.* 1297a29–39; note that H. Rackham in the Loeb edition (Rackham 1932, 341) seriously mistranslates this passage as 'the poor are not allowed to possess military equipment'.

[82] *IG* I^3 1 = Fornara 44.

[83] For the omnipresence of light-armed, see van Wees (2004) 45–46, 62–65; for equipping friends and dependents during the archaic period, see ibid. 95–97, 100, 196, 233–235.

The military dimension of the property-class system appears to have remained unchanged, except perhaps insofar as the obligation imposed on the richer classes was extended to include not only service in wars against immediate neighbours but also more distant campaigns abroad, which may previously have relied on the recruitment of volunteers only.[84] The earliest evidence for *zeugitai* and others being conscripted to serve on a long expedition abroad relates to a raiding campaign around the Peloponnese in 456 BC, for which Tolmides is said to have been given authority to draft 1,000 hoplites, and to have raised thousands of additional volunteers by using the threat of conscription.[85] If this was indeed one of the first occasions on which conscription had been used for this type of expedition, there may be a connection with the fact that in the previous year *zeugitai* had first become eligible for the archonship. The concession of a new political privilege was perhaps designed to compensate for the imposition of a new military obligation.[86]

As the number of independent working farmers, and indeed the number of men whose wealth derived from sources other than land, increased, the number of *thêtes* who could afford to serve as hoplites in their own right grew. By the end of the fifth-century about 5,000 Athenians owned no land, and as such must have counted as *thêtes*, regardless of their wealth, so long as the property classes continued to be defined in terms of agricultural produce. Yet we are told that among these landless men were 'many hoplites and horsemen and archers',[87] and it is evident that many *thêtes* did indeed own hoplite equipment—or else they could not have made themselves available for hire as marines, as Thucydides said they did.[88] When a general levy was raised, in self-defence or for a brief incursion just across the border, soldiers gathered spontaneously in response to messengers, fire signals and trumpet calls. On such occasions, 8,000–14,000 hoplites and cavalrymen took the field and a similar number stayed behind to defend the city—all motivated by a sense of honour, shame and patriotism rather than a legal obli-

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84 So Frost (1984) who, however, goes too far in arguing that *all* archaic military service was voluntary.

85 Diod. 11.84.3–4.

86 See also van Wees (2004) 100.

87 Lys. 34.4, with Dion. Hal. *Lysias* 32 (cf. above, p. 364).

88 De Ste. Croix (2004) 21, imagines that they were given equipment by the state, but the Athenians would hardly have hired men who had no equipment of their own, and hence surely no military experience, for the skilled job of deck-to-deck fighting—especially not for a lavishly funded expedition for which they could in principle have mobilised marines 'from the list' instead (cf. Thuc. 8.24.2).

gation to serve.[89] Together, they constituted about 40 % of the citizen population,[90] as opposed to the 15–20 % who made up the three highest property classes, and they must therefore have included a large proportion of *thêtes*.[91]

Expeditionary forces for relatively long and distant campaigns, by contrast, were drawn 'from the list' of *zeugitai*, *hippeis* and *pentakosiomedimnoi*, and thus from a much more limited manpower pool, although *thêtes* evidently did and could join on a voluntary basis. When an oligarchic coup of 411 BC tried to restrict political rights to 5,000 Athenians, these were defined as the men 'who brought the greatest benefit [to the city] by means of their property and their persons'. The phrase surely refers to payment of war taxes and service as hoplites in expeditionary forces, and thus implies that the 5,000 were meant to include the three highest property classes, plus presumably those who had equivalent non-landed properties.[92] *Pentakosiomedimnoi*, *hippeis* and *zeugitai* evidently amounted to fewer than 5,000 men and less than 16 % of the total estimated population of c. 30,000 citizens at the time.

Hence the small scale of expeditionary forces: usually only 1,000 or 2,000 hoplites, and never more than 4,000, including volunteers from the lower class.[93] It is therefore not surprising that it was assumed that

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[89] General levies: van Wees (2004) 45–46, 102–103. The lower number of 8,000 is attested for the battles of Plataea (Herod. 9.28.6) and Delium (7,000 hoplites, 1,000 cavalry: Thuc. 4.93.3, 94.1); a levy of 13,000 hoplites and 1,000 cavalry was raised in 431 BC (Thuc. 2.13.6–7). See also next note.

[90] I estimate the total number of hoplites and cavalry in 431 BC at c. 24,000 (based on Thuc. 2.13.6–7 and Diod. 12.40.2), or 40 % of a citizen population of c. 60,000 at the time (see Hansen 1981, 19–24; 1988, 14–28, who, however estimates the number of hoplites at only 18,000): see van Wees (2004) 241–243, where I argue for a similar proportion of hoplites in 480 BC. Others think that hoplites made up as much as 50 % of the population: e.g. Hanson (1995) 114, 366, 478 n. 6.

[91] Kurt Raaflaub, elsewhere in this volume, suggests that revenues from confiscated holdings abroad (see e.g. Thuc. 3.50.2) may have turned a large proportion of citizens into *zeugitai*. But known confiscations were rarely on a very large scale, and usually involved citizens emigrating to settle on the land rather than staying in Attica, so that they could not have made quite such a vast difference to the distribution of wealth at home. For the same reason—that revenue from cleruchies could not have made enough of a difference to explain the discrepancy—I would still defend the argument presented in van Wees (2001) 51–53, that many hoplites must have been *thêtes* because there was simply not enough cultivable land in Attica to accommodate so many hoplites if they were all *zeugitai*, but I will not rely on this argument here.

[92] Thuc. 8.65.3; cf. *Ath. Pol.* 29.5, with van Wees (2001) 57. For the estimated population figure in 411, see Hansen (1988) 27.

[93] Two expeditionary forces of 4,000 are attested: Tolmides' in 457 (see above, p. 00) and Pericles' (and Hagnon's) in 431: Thuc. 2.56.2, 58.3; cited as the yard-stick for later

every member of such a force would be looked after by a personal slave attendant while on campaign—which would have been remarkable if they had been recruited from the much broader class of independent working farmers.[94] As Aristotle put it, 'when the infantry suffered disasters, the *notables* became fewer in number because at the time of the war against Sparta they raised armies from the list': the men liable to hoplite service in the fifth century were indeed a small and notable group.[95]

Just as the property classes lost their political dimension in the fourth century, and their fiscal dimension in 378/7, they lost their military dimension by 370 BC, when selection 'from the list' had been abandoned and infantry was mobilised either 'by year-class' and/or 'by section'. This evidently included everyone capable of serving as a hoplite within a selected age group and a section of the tribes—such as the 5,000 20-to-39-year-olds from seven of the tribes who were mobilised for service in 323/2 BC (see Appendix I). The total number of hoplites still amounted to about 40 % of citizens, but all now served on the same basis—without any reference to property-class membership.[96]

In sum, the property classes in effect lost almost all of their functions by the 370s, but had previously been a key feature of Athenian state organisation from at least the time of Solon onwards. Apart from minor modifications—the translation of barley-standard amounts into dry-and-liquid measures, the extension of further political rights and perhaps military obligations to *zeugitai* in 457 BC—they fulfilled essentially the same political, fiscal and military roles throughout. These three roles must indeed always have been linked in order for the system

large expeditions at 6.31.2. The former included 3,000 volunteers; the latter probably included volunteers as well, among them Socrates (Plato, *Symp.* 219e–220e; Plut., *Alc.* 7.2–3), who is said to have owned only 500 drachmas (Xen., *Oec.* 2.3) and was therefore too poor to have been drafted.

94 Thuc. 3.17.4; this passage thus cannot be used as evidence for the 'maximalist' view that even subsistence farmers had slaves; see e.g. Fisher (1993) 37–47, for a summary of the debate.

95 Arist. *Pol.* 1303a8–10. *Ath. Pol.* 26.1 is more inclusive: 'The majority of the decent people fell in war, because in those days [after Ephialtes] armies were raised from the list and led by generals inexperienced in war but respected for their ancestral reputation, so it always happened that 2,000 or 3,000 of those who marched out died, so that the decent people among both the *demos* and the rich were destroyed'.

96 See Aesch. 2.167–168 for the *terminus ante quem*; further van Wees (2004) 103–104; Christ (2001).

to work: property-class membership must have been largely a matter of self-assessment, and political privileges would need to be balanced with financial and military obligations in order to deter poorer citizens from claiming rights above their economic station.

These rights and obligations were always confined to a small elite rich enough not to have to work for a living. The general assumption that they extended much more widely than this is contradicted not only by the evidence discussed above but also by the logic of another widely accepted proposition: a working farmer had no time to serve as a magistrate or councillor, nor, outside the slack summer season, as a hoplite. To be a full citizen and soldier, one needed leisure and resources. The introduction of pay for office and military service from the mid-fifth century onwards made it possible for the working classes to take a more active part in public life, and this will have been another factor which led to the property classes ultimately being ignored. But before the days of public pay, the majority of citizens would have found it hard to do more than attend occasional assemblies and court cases, and to join in brief general levies during a few weeks in summer. Solon's property-class system in this respect merely reinforced the practical constraints of life in an agricultural community.

Conclusion: politics and society in Solon's Athens

Far from witnessing the rise and accession to power of a middle class of independent farmers, Athens around 600 BC saw the gaping divide between its leisured landed elite and its mass of dependent smallholders and labourers stretched so wide that social ties were beginning to snap. The *zeugitai* along with the *pentakosiomedimnoi* and *hippeis* belonged to the leisured elite—the 'good men' in Solon's terms—and these three property classes embraced, not half the population, but only the richest 15% or so, on whom the *thêtes* who formed the remaining 85% were dependent for work as labourers or sharecroppers and for loans.

The *zeugitai* did stand slightly apart from the two higher classes insofar as they had fewer political privileges and smaller fiscal obligations. Indeed, in the classical period, when the *thêtes* had come to include many independent farmers and craftsmen and the gap had narrowed considerably, *zeugitai* were occasionally bracketed with the lowest class, as in the emergency naval levy of 428 BC, and in the colonisation of

Brea.[97] Perhaps this is reason enough to regard them as a 'middle class' of sorts, after all, but only if one is prepared to see the 'middle' as a very narrow band situated near the top of the social spectrum.

This raises questions about the nature of Solon's political reforms and the development of Athenian society. How and when had the extreme polarisation of elite and mass come about, and how and when did a broad middle class of independent farmers eventually develop?

Politics

The political implications of Solon's reforms are not easy to gauge, not least because it is uncertain whether Solon instituted the property classes from scratch or merely adapted a system already in existence.[98] Previously, we are told, the Areopagus Council had formed a self-perpetuating ruling elite which in effect co-opted new members by appointing the magistrates who then became life-long members of the Council at the end of their term of office.[99] If so, it seems likely enough that this elite tended to close itself off, and that Council membership eventually came to be monopolised by a small number of families who began to call themselves 'well-born' (*eupatridai*) and to claim power as a hereditary right. Such a system is compatible with a formal link between property classes and political office insofar as the ruling elite presumably in any case belonged to the highest census class(es) and picked new recruits from among their economic peers. Since under Solon office-holding rights remained restricted to a narrow elite of wealth, his property-class scheme in itself need have done nothing to widen access to political privileges.

The key changes in this respect were, rather, removal of the power to appoint archons from the hands of the Areopagus, and the creation of a Council of Four Hundred. The extreme polarisation of Solonian Athens has implications for both of these innovations.

In the absence of a broad middle class, the bulk of the popular assembly consisted of dependent smallholders and labourers. This

[97] Colonisation of Brea: *IG* I^3 46.43–46; cf. a perhaps similar clause in a decree of 387/6, *IG* II^2 30; de Ste. Croix (2004) 11–12; Hornblower (1991) 399–400, noting the 'cleavage' between *hippeis* and *zeugitai*.

[98] So *Ath. Pol.* 7.3, and implicitly Arist. *Pol.* 1274a1–2, possibly misled by their appearance in the bogus constitution of Draco. Plut. *Sol.* 18.1, has Solon create property classes.

[99] *Ath. Pol.* 3.6, 8.2.

makes it inconceivable that Solon instituted the election of archons by popular vote, as Aristotle suggested in *Politics*,[100] which would have meant a transfer of power from one extreme of the social spectrum to another. Much more likely is the view presented, with citation of evidence, in *Athênaiôn Politeia*, which has the archons picked by lot from 40 candidates pre-selected by the tribes.[101] By what mechanism pre-selection was arranged we do not know, but it certainly need not have been by a general vote of all tribesmen; the main thing was the final selection by lot, which prevented established ruling families from always co-opting their own.[102]

The creation of a Council of Four Hundred was the most radical step. The great inequality of wealth in Athens must have meant that only the three highest classes could serve, but at the same time the small size of the elite and probable restrictions on how often one could be a councillor must have meant that almost every willing member of the elite *would* serve. This Council therefore invited active participation by all members of the leisured classes rather than a select few. This was a major development in principle, though perhaps less so in practice, since the Council's actual role in government remains obscure: almost all significant political and judicial powers apparently remained with the Areopagus.[103]

Society

Our image of a deeply divided society implies that Athens' 'dependants' and 'sixth-parters' belonged to the vast majority of people who did not own enough land to make a living and therefore found themselves in a position of genuine economic dependence. They were not, in other words, middling farmers reluctant to pay traditional dues to the elite any longer because they began to find them humiliating, as many scholars have suggested, but very poor smallholders and land-

[100] Arist. *Pol.* 1273b39–74a17.

[101] *Ath. Pol.* 8.1.

[102] The Solonian system was replaced by hand-picking of archons under the tyrants (Thuc. 6.54.6); after the tyranny, archons were at first elected, and then from 487 onwards picked by lot again, but now from 500 candidates pre-selected by the demes (*Ath. Pol.* 22.5), surely a much more democratic process than the pre-selection of 40 candidates by tribes under Solon. Contra e.g. de Ste. Croix (2004) 89–107.

[103] *Ath. Pol.* 8.4. See de Ste. Croix (2004) 83–89, for the case in favour of the historicity of this Council.

less labourers who tried to 'shake off the burdens' of their dues and debts—and the penalties for failing to pay—because these had grown too heavy to bear. The 'sixth-parters', in particular, must have been sharecroppers who were required, not to hand over one-sixth of the harvest to the landowner (which would have been highly favourable terms), but to cede five-sixths and *keep* only an economically barely viable sixth.[104]

How did this state of affairs come about, and how did it come to an end? A popular and in itself plausible explanation for the emergence of extreme inequality is overpopulation: this would result in a shortage of land and an abundance of labour, creating conditions under which rich landowners could easily reduce their poorer neighbours to dependent, indeed serf-like, status. The findings of archaeological survey, however, now make it unlikely that there was significant pressure on land in early sixth-century Attica, or elsewhere in Greece. The landscape remains relatively empty, and starts to fill in only towards the end of the century.[105] Another explanation quite widely adopted is that by Solon's time relations of dependence had been in existence for centuries, having been forged by local elites imposing themselves soon after the collapse of the Mycenaean kingdoms. This theory does not explain why there is no sign of such dependent statuses in early seventh-century Greek poetry, not even in Hesiod, or why, after many centuries, they suddenly became a cause of conflict around 600 BC.[106]

The poverty and dependence of the bulk of the population of Solon's Athens was thus a relatively recent phenomenon, yet could not have been brought about by a growing scarcity of land or surplus of labour. This must mean that the lower classes were *coerced* into poverty and dependence, and deprived of the means of existence by force. The elite may have claimed ownership of large stretches of cultivable yet uncultivated land, for instance, and by means of violence and intimidation prevented the poor from using such land as 'common' for grazing, gathering fuel, and the like, or from occupying parcels of it for their

[104] For a detailed discussion of these issues, see van Wees (1999) 14–24; cf. Link (1991) 13–43. Different recent(ly published) views on the 'sixth-parters' in Stanley (1999) 174–193; de Ste. Croix (2004) 109–128.

[105] See e.g. Foxhall (1997) 122–129; Bintliff, this volume; Forsdyke, this volume.

[106] Contra e.g. Finley (1965) 166; Garlan (1988) 39–40; Morris (1987) 173–179, all of whom interpret Homer's and Hesiod's *dmôes* as local dependants, although clearly they are bought, imported chattel slaves. See further van Wees (1999) 18–35; (2003) esp. 74. On coerced labour, see also Morris (2002).

own use. More directly, the powerful may have deprived the poor even of such land as they did possess, by means of deceit, fraudulent litigation or outright force. Reduced to an ever more precarious existence, the lower classes could be forced to work for the rich under highly unfavourable conditions, whether as free labourers and sharecroppers or as debt-bondsmen and ultimately as slaves.

This conclusion, that the early Athenian elite must have engaged in an intense and violent competition for land and labour which escalated by the end of the seventh century to a point where it provoked popular riot and rebellion, puts in context the endless complaints about upper class greed and hybris found in so many archaic poets from Hesiod onwards. It also suggests that Solon's much-discussed boast of having removed boundary stones planted everywhere, and thereby 'liberated' the 'enslaved' earth, should be taken in the most literal sense: one of his achievements was the undoing of illegitimate occupations of land all over Attica, whether uncultivated common, public holdings, temple estates, or private properties.[107]

As well as liberating much land from the grip of the elite, Solon outlawed enslavement for debt—the ultimate weapon which the rich had acquired in their quest to extract wealth from the poor. He may also have banned exploitative 'sixth-parter' sharecropping contracts and even introduced a legal maximum for the size of landed estates. His laws certainly took great pains to regulate boundaries between farms and stipulate rights of access to water and manure in order to minimise the scope for deceitful litigation and exploitation. No less importantly, Solon tried to get at the root of the problem by discouraging competition for wealth among the elite by means of sumptuary laws,[108] and a ban on most agricultural exports, designed at least in part to deprive the rich of an outlet for their surpluses. By legislating against hybris, allowing third-party prosecutions, and introducing the possibility of legal appeal to 'the people'—a radical step, even if perhaps originally it involved nothing more formal than allowing a judgement to be

[107] Contra e.g. Harris (1997). His concern that removing boundary stones would have been sacrilegious (cf. Ober, this volume) is misplaced: it would only be so for those who regarded the boundary as *legitimate*; for those who thought it illegitimate, the planting rather than the removal of the stone would be sacrilege. Undoing illegitimate occupation is not the same as redistributing land (Solon fr. 34.7–9).

[108] Solon's funerary legislation does seem to have a sumptuary element (van Wees 2005, 46–49), even if it also reflects changing attitudes to gender (van Wees 1998) and to death (see Blok, this volume).

overturned by the crowd of spectators gathered at the hearing—he put in place a series of measures to curb elite violence and abuse of legal process.[109]

All this created the conditions for the emergence of a class of independent farmers in Attica, a trend reinforced by Pisistratus' championing and patronage of the poor. By the late sixth century, we finally see the Attic countryside filling up and independent working farmers becoming a feature of Athenian society. Thus Solon's reforms set in motion the process which created the 'middling' farmer—a figure whom Solon himself would not have recognised.[110]

Appendix I: the number of hoplites in the fourth century

A roster of 59-year-old ex-hoplites in 325/4 BC records 103 names.[111] Demographic models suggest that these 103 men ought to represent about 1 % of 18–59 year-olds, and that there ought to have been about 3.5 times as many 19-year-olds as 59-year-olds.[112] This corresponds to a cohort of c. 360 hoplites aged 19, and a total of c. 10,300 hoplites and horsemen in 364/3 BC. Literary evidence points to similar or larger numbers.[113]

In 323 BC, the Athenians fielded 5,000 hoplites, consisting of the 20–39 year-olds of seven of the ten tribal regiments, as well as 500 cavalry (half the available force).[114] The total number of 20–39 year-old hoplites and cavalry for all ten regiments was thus c. 8,100. This figure, however, included men who would not have been able to serve as hoplites from their own means, but who since 336/5 BC had been provided with equipment and training at public expense. Rosters of 19-year-olds in five of the tribes in 333/2 BC add up to 218, i.e. a total of c. 440—eighty more than a generation earlier.[115] A few later rosters suggest that

[109] For this view of Solon's *seisachtheia*, see van Wees (1999). Violent competition: van Wees (2000).

[110] The extent of economic equality even in classical Athens should not be overstated, as Foxhall (2002) points out; even (non-legal) debt-bondage persisted (Harris 2002).

[111] *IG* II[2] 1926; cf. 100–150 names on *IG* II[2] 2409 of 330/29 BC; see Lewis (1955) 27–36.

[112] See Hansen (1985) 12; (1988) 21, for a demographic table adapted from Coale and Demeny (1966).

[113] Hansen (1985) 36–43.

[114] Diod. 18.10.2, 11.3.

[115] Reinmuth (1971) nos. 5, 8, 9, 13; Hansen (1994) 302 n. 24; Burckhardt (1996) 33–43.

the numbers continued to creep up, perhaps to c. 600, or almost 250 more than in 365/4.[116] The average increase effected by state-funding may thus have averaged as much as 200 extra hoplites a year over the previous 13 years, and we must deduct up to 2,600 hoplites from the total. The remaining 5,500 hoplites and horsemen aged 20–39 ought to have represented, according to the same demographic models, about 60% of the total group of hoplites and horsemen aged 18–59, who therefore must have numbered c. 9,000.

It is hard to decide between the two figures for the total citizen population in 322 BC implied by Plutarch, who has 12,000 men disenfranchised, i.e. a total of 21,000 citizens, and Diodorus, who has 22,000 disenfranchised and a total citizen body of 31,000.[117] A census taken between 317–307 BC counted 21,000 citizens,[118] which supports Plutarch, but is complicated by the fact that at this time owners of less than 1,000 drachmas were disenfranchised, and it is not clear whether these were included in the total. I adopt Plutarch's figure primarily because it implies that hoplites formed about 40% of the citizen population, the same proportion which I believe is attested for 480 and 431 BC.[119] If one were to adopt Diodorus' figure, the hoplite class would include 29% of citizens, and the leisured elite, at a rough guess, little more than 10%.

Appendix II: ploughing regimes and the size of one-yoke farms

A minimum of 5 ha as the amount of farmland needed in order to make it viable to keep a pair of plough-oxen was calculated in an unpublished paper by Keith Hopkins.[120] A rule of thumb cited by Clark and Haswell is that production must be c. 500 kg of grain (or equivalent) per person per year before maintenance of draught livestock becomes viable.[121] If yields were 800 kg/ha, an Athenian family of four could thus have afforded to keep oxen if they had at least 2.5 ha under cultivation, and 5 ha in total.

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[116] Hansen (1988) 3–5.

[117] Plut. *Phocion* 28.4; Diod. 18.18.4–5.

[118] Ctesicles *FGrH* 245 fr. 1, in Athenaeus 272c.

[119] See above, n. 90, and van Wees (2004) 241–243; contra Hansen (1985) 28–36.

[120] First cited by White (1970) 336 n. 10, then by Halstead (1987) 84 n. 49; Hodkinson (1988) 39; Jameson, Runnels and van Andel (1994) 286 n. 10.

[121] Clark and Haswell (1970) 64–65.

Important recent studies by Hamish Forbes and Lin Foxhall have adduced a good deal of evidence that in modern Greece the maximum amount of land which could be ploughed by a single span of oxen by traditional methods was only about twice the minimum cited above: 4–6 ha.[122] In modern Turkey, too, 3–6 ha is a maximum cited by farmers.[123] It does seem, however, that these figures are quite low. In parts of Greece, as Forbes notes, each plot of land was ploughed over twice during the autumn sowing season, while in central Turkey the sowing season was very short. In ancient Greece (and Italy), ploughing regimes came much closer to the maximum achievable by intensive preparation of the fallow and using the entire length of the sowing season.

Rather than spend much time repeatedly breaking up the land during the sowing season, ancient practice, from Hesiod onwards, was to plough up the fallow during spring and again during summer.[124] As a result, the oxen could cover the ground during the final autumn ploughing with much greater ease and speed: the elder Pliny suggested that they could plough twice as fast.[125]

The ancient autumn ploughing and sowing season, rather than lasting less than a month, went on for about 50 days. Barley and wheat were sown between the setting of the Pleiades and the winter solstice.[126] The date of the setting of the Pleiades depends on when, where, and at what angle one is observing the sky, and our best evidence for what ancient Greek farmers meant by this date is that in the sixth century BC Thales and Anaximander of Miletus set it at 25 or 30 days after the autumn equinox (22/23 September), i.e. 17/18 or 22/23 October,[127] which roughly matches the 32 days after the equinox for the start of ploughing given by Varro and Columella, and by the latter for when the Pleiades 'begin to set' (20/21 October, minus 2 days to adjust to the Gregorian calendar).[128] The dates at the very end of October and into November given by ancient and modern scholars are evidently based on criteria for observation different from those applied by

[122] Forbes (2000) 63; Foxhall (2003) 80–83.
[123] Stirling (1965) 83, 135; cf. (1963).
[124] Hes. *Op.* 462–464; cf. Xen. *Oec.* 16.10–14.
[125] Pliny *NH* 18.178.
[126] In Greece; barley was sown earlier in Italy: Pliny, *NH* 18.49 and 201.
[127] Pliny, *NH* 18.213.
[128] Varro *RR* 1.28.2; Colum. *RR* 2.8.2; 11.2.77.

farmers.[129] As for the end of the season, Columella recommends that ploughing should end 15 days before the winter solstice, but Hesiod and Theophrastus assume that sowing continues, albeit with diminishing returns, until the solstice, while Xenophon and Varro positively recommend continuing right up to the solstice, i.e. for up to 60 days—and Hesiod allows no time off for rain or breakages of equipment.[130]

The capacity of oxen to plough between 0.2–0.3 ha a day is well-attested. To the comparative evidence from the Peloponnese collected by Forbes and Foxhall one may add area measurements derived from the amount of land a span of oxen could plough in a day, such as the Roman *iugerum* (0.25 ha) and Egyptian *aroura* (0.275 ha), or the Turkish 'village *dönüm*' (0.2–0.3 ha), the Melian *zeugari* (0.3 ha) and the Prussian *Morgen* (0.25 ha).[131]

A farmer who continued ploughing and sowing for, say, 50 days could thus cultivate 10–15 ha with a single span. Accordingly, Columella argued that a 200 *iugera* (50 ha) of arable land needed only two spans of plough oxen; as his calculations show, he assumed that half of this estate would lie fallow, leaving 25 ha to be covered by the two spans, or 12.5 ha each.[132] There is some comparative evidence to match this performance. Halstead cites a study suggesting that in nineteenth-century Campania the maximum was 10 ha, while records of the cultivation of a large estate in Sicily, with traditional ploughing methods, in 1939 show that at most 58 spans of oxen were used for the spring ploughing of 864 ha to be planted with wheat, i.e. 15 ha each. On the same estate, the autumn ploughing by sharecroppers of 786 ha was carried out with only 30 teams of mules, an average of 26 ha.[133]

The greater ploughing-speed of mules as compared with oxen was noted already by Homer, and in classical Athens mules were four or five times as expensive as oxen—275–400 dr. each against prices

[129] See Pliny, *NH* 18.213, 225; Columella 11.2.78, 84; West (1978) 256.

[130] Colum. 2.8.2; Hes. *Op.* 478–482 (and 460 [rain], 432–434 [spare plough]); Theophr. *HP* 3.23.1–2; Xen. *Oec.* 17.5–6; Varro *RR* 1.34.1.

[131] Forbes (2000) 63, 212; Foxhall (2003) 81; Stirling (1965) 52 (Turkey); Renfrew and Wagstaff (1982) 131 (Melos).

[132] Colum. *RR* 2.12.7–9; he expressed their capacity in the number of *modii* of wheat sown, but explained at 2.9.1 that he was reckoning with an average of 5 *modii* per *iugerum*.

[133] Halstead (1987) 84 n. 49. Sicily: Blok (1974) 44, 72–73, and 250 with Tables X and XI (*at most* 58 spans, because the 117 cattle listed include an unspecified number of milking cows).

from 50–100 dr. for an ox. Those who could afford it might therefore further extend the area they could cultivate by replacing their oxen with mules.[134]

Bibliography

Andrewes, A. 1956. *The Greek Tyrants*. London.

Andreyev, V.N. 1974. Some aspects of agrarian conditions in Attica in the fifth to third centuries BC. *Eirene* 12: 5–46.

Blok, A. 1974. *The Mafia of a Sicilian Village. A study of violent peasant entrepreneurs*. New York.

Brøgger, J. 1971. *Montevarese. A study of peasant society and culture in southern Italy*. Bergen.

Brun, P. 1983. *Eisphora-syntaxis-stratiotika: recherches sur les finances militaires d'Athènes au IVe siècle av. J.-C.* Paris.

Buck, C. and Petersen, W. 1945. *A Reverse Index of Greek Nouns and Adjectives: arranged by terminations with brief historical introduction*. Chicago.

Burckhardt, J. 1996. *Bürger und Soldaten. Aspekte der politischen und militärischen Rolle athenischer Bürger im Kriegswesen des 4. Jahrhunderts. v. Chr.* Historia Einzelschriften 101. Stuttgart.

Burford, A. 1993. *Land and Labor in the Greek World*. Baltimore.

Christ, M. 2001. Conscription of hoplites in classical Athens. *CQ* 51: 398–422.

Cichorius, C. 1894. Zu den Namen der attischen Steuerklassen. In *Griechische Studien Hermann Lipsius zum sechzigsten Geburtstag dargebracht*, 135–140. Leipzig.

Clark, C. and Haswell, M. 1970. *The Economics of Subsistence Agriculture. Fourth edition*. London.

Coale, A. and Demeny, P. 1966. *Regional Model Life Tables and Stable Populations*. New York.

Davies, J.K. 1971. *Athenian Propertied Families*. Oxford.

Davies, J.K. 1984. *Wealth and the Power of Wealth in Classical Athens*. Salem, NH.

Davis, J. 1977. *People of the Mediterranean. An essay in comparative social anthropology*. London.

de Ste. Croix, G. 1953. Demosthenes' timêma and the Athenian eisphora in the fourth century BC. *C&M* 14: 30–70.

de Ste. Croix, G. 2004. *Athenian democratic origins and other essays*. Eds. D. Harvey and R. Parker with the assistance of P. Thonemann. Oxford.

Donlan, W. 1997. The relations of power in pre-state and early state polities. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P. Rhodes, 39–48. London.

Duby, G. 1972. Medieval agriculture, 900–1500. In *The Fontana Economic History of Europe*, ed. C.M. Cipollo. (sine loco).

[134] Hom. *Il.* 10.351–353; cf. *Od.* 8.124–125. Prices: Isaeus 6.33 (mules); Jameson (1988) 109–110 (oxen).

Edwards, A. 2003. *Hesiod's Ascra*. Berkeley.
Finley, M. 1965. Debt-bondage and the problem of slavery. *RHDFE* 43: 159–184 (reprinted in M. Finley, *Economy and Society in Ancient Greece*, eds. B Shaw and R. Saller. Harmondsworth 1981, 150–166).
Finley, M. 1985. *The Ancient Economy*; revised edition. London.
Fisher, N. 1993. *Slavery in Classical Greece*. London.
Forbes, H. 2000. The agrarian economy of the Ermionidha around 1700: an ethnohistorical reconstruction. In *Contingent Countryside. Settlement, economy and land use in the southern Argolid since 1700*, ed. S. Sutton, 41–70. Stanford.
Fornara, C. 1983. *Archaic Times to the End of the Peloponnesian War*. Second edition. Cambridge.
Forrest, W.G. 1966. *The Emergence of Greek Democracy*. London.
Foxhall, L. 1990. The dependent tenant: land leasing and labour in Italy and Greece. *JRS* 80: 97–114.
Foxhall, L. 1997. A view from the top: evaluating the Solonian property classes. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P. Rhodes, 113–136. London.
Foxhall, L. 2002. Access to resources in classical Greece: the egalitarianism of the polis in practice. In *Money, Labour and Land. Approaches to the economies of ancient Greece*, eds. P. Cartledge, E. Cohen, L. Foxhall, 209–220. London.
Foxhall, L. 2003. Cultures, landscapes, and identities in the Mediterranean World. *Mediterranean Historical Review* 18: 75–92.
Friedl, E. 1962. *Vasilika. A village in modern Greece*. Fort Worth.
Frost, F. 1984. The Athenian military before Cleisthenes. *Historia* 33: 283–294.
Gallant, T. 1991. *Risk and Survival in Ancient Greece*. Stanford.
Garlan, Y. 1988. *Slavery in Ancient Greece*. Ithaca, NY.
Garnsey, P. 1988. *Famine and Food Supply in the Graeco-Roman World. Responses to risk and crisis*. Cambridge.
Garnsey, P. 1992. Yield of the land. In *Agriculture in Ancient Greece. Proceedings of the Seventh International Symposium at the Swedish Institute at Athens*, ed. B. Wells, 147–153. Stockholm.
Gower Chapman, E. 1973. *Milocca. A Sicilian Village*. London.
Greenhalgh, P. 1973. *Early Greek Warfare*. Cambridge.
Halstead, P. 1987. Traditional and ancient rural economy in Mediterranean Europe: plus ça change? *JHS* 107: 77–87.
Hansen, M.H. 1981. The number of Athenian hoplites in 431 BC. *SO* 56: 19–32.
Hansen, M.H. 1985. *Democracy and Demography*. Herning.
Hansen, M.H. 1988. *Three Studies in Athenian Demography*. Copenhagen.
Hansen, M.H. 1991. *The Athenian Democracy in the Age of Demosthenes. Structure, principles and ideology*. Oxford.
Hansen, M.H. 1994. The number of Athenian citizens *secundum* Sekunda. *EMC* 38: 299–310.
Hanson, V.D. 1995. *The Other Greeks*. New York.
Harris, E. 1997. A new solution to the riddle of the *seisachtheia*. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P. Rhodes, 103–112. London.

Harris, E. 2002. Did Solon abolish debt-bondage? *CQ* 52: 415–430.
Hemelrijk, J. 1925. *Penia en Ploutos*. Amsterdam 1925 (Reprint New York 1979.).
Hodkinson, S. 1988. Animal husbandry in the Greek polis. In *Pastoral Economies in Classical Antiquity*, ed. C.R. Whittaker, 35–74. Cambridge.
Homans, G. 1941. *English Villagers of the Thirteenth Century*. New York.
Hornblower, S. 1991. *A Commentary on Thucydides. Vol. I: Books I–III.* Oxford.
Isager, S. and Skydsgaard, J. 1992. *Ancient Greek Agriculture. An introduction*. London and New York.
Jameson, M. 1978. Agriculture and slavery in classical Athens. *CJ* 73: 122–145.
Jameson, M. 1988. Sacrifice and animal husbandry in classical Greece. In *Pastoral Economies in Classical Antiquity*, ed. C.R. Whittaker, 87–119. Cambridge.
Jameson, M., Runnels, C., and van Andel, T. 1994. *A Greek Countryside. The Southern Argolid from prehistory to the present day*. Stanford.
Jongman, W. 1988. Adding it up. In *Pastoral Economies in Classical Antiquity*, ed. C.R. Whittaker, 210–212. Cambridge.
Kassel, R. and Austin, C. 1984. *Poetae comici graeci. Vol.3.2, Aristophanes: testimonia et fragmenta*. Berlin.
Lambert, S. 1997. *Rationes Centesimarum. Sales of public land in Lykourgan Athens*. Amsterdam.
Lewis, D. 1955. Notes on Attic inscriptions. *BSA* 50: 1–36.
Link, S. 1991. *Landverteilung und sozialer Frieden im archaischen Griechenland*. Historia Einzelschriften 69. Stuttgart.
Lison-Tolosana, C. 1966. *Belmonte de los Caballeros. A sociological study of a Spanish town*. Oxford.
Loizos, P. 1975. *The Greek Gift. Politics in a Cypriot Village*. Oxford.
Loomis, W. 1998. *Wages, Welfare Costs and Inflation in Classical Athens*. Ann Arbor.
Markle, M. 1985. Jury pay and asembly pay at Athens. In *Crux. Essays presented to G.E.M. de Ste. Croix on his 75th birthday*, eds. P.A. Cartledge and F.D. Harvey, 265–297. Exeter.
Mitchell, L. 1997. New wine in old wineskins. Solon, *arete* and the *agathos*. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P. Rhodes, 137–147. London.
Morris, I. 1987. *Burial and Ancient Society. The rise of the Greek city-state*. Cambridge.
Morris, I. 2002. Hard surfaces. In *Money, Labour and Land. Approaches to the economies of ancient Greece*, eds. P. Cartledge, E. Cohen, L. Foxhall, 8–43. London.
Murray, O. 1993. *Early Greece. Second edition.* (sine loco) (first ed. 1980).
Ober, J. 1989. *Mass and Elite in Democratic Athens*. Princeton.
Osborne, R. 1987. *Classical Landscape with Figures. The ancient Greek city and its countryside*. London.
Osborne, R. 2000. An other view: an essay in political history. In *Not The Classical Ideal*, ed. B. Cohen, 23–42. Leiden.
Pullen, D. 1992. Ox and plough in the early Bronze Age Aegean. *AJA* 96: 45–54.
Raaflaub, K. 1997. Soldiers, citizens, and the evolution of the early Greek polis. In *The Development of the Polis in Archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 49–59. London.

Rackham, H. 1932. *Aristotle XXI: Politics*. (Loeb Classical Library) Cambridge, MA.
Reinmuth, O. 1971. *The Ephebic Inscriptions of the Fourth Century BC*. Leiden / New York.
Renfrew, C. and Wagstaff, M. 1982. *An Island Polity: the archaeology of exploitation in Melos*. Cambridge.
Rhodes, P.J. 1982. Problems in Athenian *eisphora* and liturgies. *AJAH* 7: 1–19.
Rhodes, P.J. 1993. *A Commentary on the Aristotelian Athênaiôn Politeia* (new edition with addenda; first edition 1981). Oxford.
Rosivach, V. 2002a. The requirements for the Solonic classes in Aristotle, *AP* 7.iv. *Hermes* 130: 36–47.
Rosivach, V. 2002b. *Zeugitai* and hoplites. *AHB* 16: 33–43.
Ruschenbusch, E. 1988. Getreideerträge in Griechenland in der Zeit von 1921 bis 1938 n. Chr. als Maßstab für die Antike. *ZPE* 72: 141–153.
Ryan, F. 2002. Die Zeugiten und das Archontat. *REA* 104: 5–9.
Sancisi-Weerdenburg, H. 2000. The tyranny of Peisistratos. In *Peisistratos and the Tyranny. A reappraisal of the evidence*, ed. H. Sancisi-Weerdenburg, 1–15. Amsterdam.
Sauppe, H. 1839–1850. *Oratores Attici, Vol. II*, 170–216. Zurich.
Sherratt, A. 1980. Plough and pastoralism: aspects of the secondary products revolution. In *Patterns of the Past*, eds. I. Hodder, G. Isaac, N. Hammond. Cambridge.
Skydsgaard, J. 1988. Transhumance in ancient Greece. In *Pastoral Economies in Classical Antiquity*, ed. C.R. Whittaker, 75–86. Cambridge.
Spence, I. 1993. *The Cavalry of Classical Greece. A social and military history*. Oxford.
Spiess, H. 1994 Report on draught animals under drought conditions in Central, Eastern and Southern zones of Region 1 (Tigray). *United Nations Emergencies Unit for Ethiopia* (11 July 1994); www.sas.upenn.edu/African_/Studies/eue_/web/Oxen94
Stanley, P. 1999. *The Economic Reforms of Solon*. St. Katharinen.
Starr, C.G. 1977. *The Economic and Social Growth of Early Greece, 800–500 BC*. New York.
Stirling, P. 1963. The domestic cycle and the distribution of power in Turkish villages. In *Mediterranean Countrymen*, ed. J. Pitt-Rivers, 201–213. Paris.
Stirling, P. 1965. *Turkish Village*. London.
Thalheim, T. 1966. *Antiphonitis orationes et fragmenta, post Fridericum Blass edidit Theodorus Thalheim*. (Teubner.) Stuttgart.
Thomsen, R. 1964. *Eisphora. A study of direct taxation in ancient Athens*. Copenhagen.
van Wees, H. 1998. A brief history of tears. Gender differentiation in archaic Greece. In *When Men Were Men: Masculinity, Power and Identity in Classical Antquity*, eds. L. Foxhall and J. Salmon, 10–51. London.
van Wees, H. 1999. The mafia of early Greece. Violent exploitation in the seventh and sixth centuries BC. In *Organised Crime in Antiquity*, ed. K. Hopwood, 1–51. London / Swansea.
van Wees, H. 2000. Megara's mafiosi: timocracy and violence in Theognis. In *Alternatives to Athens*, eds. R. Brock and S. Hodkinson, 52–67. Oxford.

van Wees, H. 2001. The myth of the middle-class army: military and social status in ancient Athens. In *War as a Cultural and Social Force*, eds. L. Hannestad and T. Bekker-Nielsen, 45–71. Copenhagen.

van Wees, H. 2003. Conquerors and serfs. Wars of conquest and forced labour in archaic Greece. In *Helots and their Masters in Laconia and Messenia*, eds. N. Luraghi and S. Alcock, 33–80. Washington, DC.

van Wees, H. 2004. *Greek Warfare: myths and realities*. London.

van Wees, H. 2005. Trailing tunics and sheepskin coats: dress and status in early Greece. In *The Clothed Body in the Ancient World*, eds. L. Cleland, M. Harlow, and L. Llewellyn-Jones, 44–51. Oxford.

Wallace, R. 1998. Solonian democracy. In *Democracy 2500? Questions and challenges*, eds. I. Morris and K. Raaflaub, 11–29. Dubuque, Iowa.

West, M. 1978. *Hesiod. Works and Days*. Oxford.

White, K. 1970. *Roman Farming*. London.

White, C. 1980. *Patrons and Partisans. A study of politics in two southern Italian communi*. Cambridge.

Whitehead, D. 1981. The archaic Athenian zeugitai. *CQ* 31: 282–286.

CHAPTER SIXTEEN

ATHENIAN AND SPARTAN *EUNOMIA*, OR: WHAT TO DO WITH SOLON'S TIMOCRACY?

Kurt A. Raaflaub

The paper I delivered at the Solon conference in December 2003 argued for two theses.[1] One is that Solon's constitution, ideologically resting on the traditional concept of 'good order' (*eunomia*), was socially based on the large class of independent farmers who were capable of serving as hoplites in the *polis*' army, and that in these two respects (although certainly not in others) it was not very different from the constitution that had earlier been introduced in Sparta (the "Great Rhetra" commonly attributed to the mythical lawgiver, Lycurgus). As a consequence, I now need to confront a recent attempt by Hans van Wees to separate *eunomia* and the Rhetra, the oracle recounted in Tyrtaeus' 'Eunomia' elegy (fr. 4) and Plutarch's summary of the Rhetra in his *Life of Lycurgus*—that is, to separate and locate in different historical contexts the two pieces of evidence commonly combined to reconstruct and understand the Rhetra. This attempt, supported by arguments that are both strong and provocative, raises important questions and has stirred a lively scholarly debate.

My second thesis in 2003 concerned the "timocratic" aspects of Solon's constitution. Especially the census qualification mentioned for the class called *zeugitai* poses great problems, and other aspects of the census classes cause serious difficulties as well. Again van Wees had recently proposed a surprising and ingenious solution to the problem of the "zeugite" census, but this solution seemed to me to run into other and no less serious difficulties. While thinking about this, I developed a bold thesis that I explored at the conference. All these difficulties, I suggested, could be resolved if we assumed that Solon had either not created census classes at all or based them solely on the citizens' mili-

[1] I thank the editors for helpful comments and suggestions, and Hans van Wees for sharing with me a draft of his chapter in this volume. Throughout this chapter, *Ath. Pol.* refers to the *Constitution of the Athenians* (*Athênaiôn Politeia*), produced in the late fourth century in Aristotle's school (on date and authenticity, see Rhodes 1981, 51–63), while the anonymous author's pamphlet with the same title, preserved under Xenophon's works, is cited as Ps.-Xen. *Ath. Pol.*

tary qualifications, not on a quantitative assessment (a view apparently presented, with one exception, by G.E.M. de Ste. Croix in an essay that was never published but known to some of his students),[2] and if we dated the introduction of the quantitative assessment levels attributed to Solon by later tradition, and of the "super-class" of five-hundred-bushel-men (*pentakosiomedimnoi*) to a much later period when they made sense economically and politically.

In the meantime, as announced by Robert Parker at the 2003 conference, he and David Harvey have made de Ste. Croix' essays in Greek history, written in the 1960s, accessible to the scholarly world.[3] The first chapter of this collection offers a thorough re-examination of 'The Solonian Census Classes and the Qualifications for Cavalry and Hoplite Service'. The author's observations and conclusions force us to reconsider just about everything we believed about Solon's census classes and their relation to the citizens' military functions. Not surprisingly, de Ste. Croix' arguments are largely compelling, even overpowering in their uncompromising logic, and presented with so much confidence that one might feel tempted simply to accept them and move on from there. Yet the author had to grapple with the same scarce and scattered evidence that any scholar working on this period has to confront, and much of his argument is speculative, offering radical solutions to desperate problems. Moreover, in the decades since de Ste. Croix wrote his essays new concerns have surfaced.

The present chapter thus should be seen as a contribution to an ongoing discussion on two crucial issues of archaic Greek history: the Spartan Rhetra and Solon's timocracy. They are linked by the ideal of *eunomia* as the goal of archaic reform and legislation. Because I primarily intend to stimulate further discussion, I will keep the format of a lecture or essay rather than trying to provide full documentation.[4]

[2] Rhodes (1981) 138, 143, 145 (the exception is the highest census class of *pentakosiomedimnoi*, probably added by Solon to the three already existing ones: Rhodes, 137); see also Foxhall (1997) 135 n. 97.

[3] De Ste. Croix (2004). The editors deserve our thanks!

[4] The reader will find ample references to sources and scholarship in van Wees' articles and those of his critics discussed below.

"Lycurgan" and Solonian eunomia

Eunomia

In the late fifth century, *eunomia* (good order) was seen as an oligarchic ideal.[5] Its supporters contrasted it with democratic *kakonomia* (bad order). An anonymous critic of democracy, often called the "Old Oligarch", famously says: 'The people do not want a city with *eunomia* under which they themselves are slaves; they want to be free and to rule. *Kakonomia* is of little concern to them. What *you* consider not to be governed by *eunomia*, this is the very source of the people's strength and freedom.' If you want to establish *eunomia*, he continues, you will place the elite in charge and 'not allow crazy people to speak their minds or participate in the assembly' (Ps. Xen. *Athênaiôn Politeia* 1.8–9; tr. Bowersock 1968 mod.). To this oligarchic sympathizer *eunomia* was thus incompatible with the right of lower class citizens to have an active share in politics. And indeed, in the Athenian oligarchy of the Four Hundred in 411–410, full citizenship was limited to those qualified for service as hoplites and cavalry—and activated at rare occasions, if at all.[6]

The democratic ideal was *isonomia*, variously denoting equality before the law, equal distribution and shares, hence equal participation and political equality.[7] To be sure, this term was not the exclusive prerogative of democracy; since the *iso*-component was flexible, co-terminous with the class or classes that ruled, there could also be an *oligarchia isonomos*.[8] But democracy pushed equality to its very limits, proclaiming the ideal of "arithmetic or numerical equality": *isotês*.[9] Accordingly, Herodotus says in the "Constitutional Debate" that democracy 'has the most beautiful name of all: *isonomia*' (3.80.6).

It is again the Old Oligarch who points out that when deliberation is limited to the best, they say only what is good 'for the likes of themselves' (τοῖς ὁμοίοις σφίσιν αὐτοῖς). In Athens, where they deliberate 'on equal terms' (ἐξ ἴσης), 'he who wishes to' (ὁ βουλόμενος) gets up 'and

[5] See Andrewes (1938); Ehrenberg (1965); Ostwald (1969) 62–95; Meier (1970) 15–25; (1990) 160–162.

[6] Thuc. 8.45–98, esp. 65.3; *Ath. Pol.* 29–33, esp. 29.5. See Ostwald (1986) 344–395; Munn (2000) 127–148.

[7] Ehrenberg (1940); Vlastos (1953), (1964); Ostwald (1969) 96–136; Meier (1970) 36–44. More recent bibliography in Raaflaub (2004) 94–95, esp. n. 163.

[8] Thuc. 3.62.3–4.

[9] To be contrasted with "geometric" or "proportional" equality: Harvey (1965).

finds what is good for himself and those like himself (αὑτῷ τε καὶ τοῖς ὁμοίοις αὑτῷ)' (Ps. Xen. *Athênaiôn Politeia* 1.6). In this critic's view, in democracy's framework of unqualified equality of speech, members of each class promote their class interests, the advantage of their *homoioi*. This highlights the difference between absolute and relative, undifferentiated and socially differentiated equality, *isotês* and *homoiotês*. Sparta was famous for its society of *homoioi*—whenever that designation was introduced.[10]

Fifth-century historians thought that the Spartans had in their early history suffered from a state of *stasis* and *kakonomia* but eventually achieved *eunomia*. In the time of the Lydian king Croesus, Herodotus writes, they overcame a military setback against Tegea and ascended to predominance in the Peloponnesus. 'Even earlier, they had the worst *kakonomia* of all the Greeks'. With Lycurgus' reforms they changed to *eunomia*. In Herodotus' opinion, then, *eunomia* was a necessary condition for Sparta's rise to power. Thucydides agrees.[11]

Hesiod introduces Eunomia as daughter of Zeus and Themis (Divine or Customary Law) and sister of Dike (Justice) and Eirene (Peace). Importantly, she is well-attested in the Spartan orbit: Alcman praises her as the sister of Persuasion (Peitho) and daughter of Foresight (Promathea). One of the poems of Tyrtaeus was later entitled *Eunomia* and thus probably mentioned this term.[12] According to a long-standing *communis opinio*, this sadly fragmentary poem contains a summary of the Spartan "Great Rhetra" (the oldest *polis* constitution attested in Greece), which thus was identified with the ideal of *eunomia* and represented as a response to crisis and popular discontent described in the same poem. Hans van Wees has recently suggested, however, that the poem did not cite the Rhetra, is older than this law, and offers 'an example of a common seventh-century response to internal crisis: an attempt to restore harmony by reasserting the order sanctioned by the gods, through rituals, oracles, and songs'.[13] This interpretation poses a serious challenge, has prompted respectful but incisive criticism, and requires a closer look.[14] I shall limit myself to a few points that are especially important for my present purposes.

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[10] On *homoioi:* Cartledge (2001) 68–75.

[11] Hdt. 1.65–68; Thuc. 1.18.1.

[12] Hes. *Theog.* 901–903; Alcman 64 Campbell; Tyrt. 1–4.

[13] Van Wees (1999) with full documentation on all issues involved (quote: 1–2).

[14] See especially G. Shipley's review of Hodkinson and Powell (1999) in *BMCR* 00.11.16; Meier (2002) with van Wees' response (2002); Link (2003). For recent discus-

Tyrtaeus, the Rhetra, and eunomia

Van Wees suggests that the demand for redistribution of land that was mentioned in the poem must have been caused less by the consequences of the Messenian revolt (although they may have aggravated the underlying problems) than by increasing inequality of wealth within Spartan society itself. 'Acquisitiveness' and intense competition for property, especially in land, must lie behind the tradition (mentioned above) that Sparta had suffered from *kakonomia* for a particularly long time.[15] These conditions are comparable to those in Solonian Athens.[16] Van Wees interprets the exceedingly fragmentary beginning of the poem (fr. 2.2–15) as follows: 'The Spartans must obey their kings, the Heraclids, since their power is divinely sanctioned: not only are they "closer in origin" and "dear" to the gods, but Zeus himself gave them control over Sparta.' 'Oracles' mentioned earlier, he thinks, are thus likely to have referred as well to the kings' right to rule.[17] If this interpretation is correct (although the few extant words in the first eleven lines make any reconstruction hazardous), such insistence on obedience to the leaders makes sense in times of war and crisis; for this we have a parallel in the famous "temptation" episode in Book 2 of the *Iliad*.[18] But neither there nor here does this mean that "kings" or "leaders" are meant to have absolute power and the community is supposed simply to accept whatever they propose. In the *Iliad* Thersites is not disciplined, with the approval of the assembled crowd, because he contradicts Agamemnon and offers a different opinion but because he does not respect the customary rules governing the assembly, speaks in disorderly ways (ἄκοσμα) and does not know what is 'in order' (κατὰ κόσμον). Odysseus' distinction, in the same scene, between the leaders who matter and the commoners who do 'not count in war or in counsel', does not state a fact but an ideal or ideological claim that is contradicted by the social realities depicted in most of the epic.[19] True,

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sions of the Rhetra, see, apart from van Wees (1999), Walter (1993) 150–175; Meier (1998) 186–207; Link (2000); Welwei (2000) 42–63 (first published 1979).

15 See n. 11.

16 Van Wees (1999) 2–4.

17 Ibid. 4–6.

18 *Il.* 2.203–206, rejecting (also in war) 'headship by many' (πολυκοιρανίη) and emphasizing the need to respect the leadership of one man: the *basileus* whose scepter and ordinances (*themistes*) come from Zeus.

19 *Il.* 2.188–206 (quote: 202); van Wees (1992) 83; Donlan (1999) 19–20. Thersites:

in the epics the leaders try to bully their challengers into submission and occasionally ignore popular sentiment, but this does not mean that such challenges are invalid and the voice of the people does not matter. Quite the contrary: the challenges are a vital part of decision making, and the assembly plays a crucial communal role; as the examples of Agamemnon and Hector illustrate, the leader who ignores either and then fails finds himself in deep trouble.[20]

Total obedience, blind acceptance of proposals from above, however, is exactly what van Wees suggests for the assembly in his interpretation of the oracle that Tyrtaeus reports in his poem.[21] Most scholars identify this oracle with a summary of the "Great Rhetra". Van Wees, rightly demanding that we need to interpret both documents independently before we make comparisons, contests this identification. Now the *rhêtra* that Plutarch quotes in prose and that supposedly was based on an oracle received by Lycurgus in Delphi, is much more comprehensive than the oracle quoted in elegiac distichs from Tyrtaeus by Diodorus and in part by Plutarch as well. The prose Rhetra includes religious and administrative regulations: the establishment of cults and territorial units, the size and composition of the council (*gerousia*, including the two "kings"), and the location and intervals of assembly meetings, 'so as to propose and withdraw (εἰσφέρειν τε καὶ ἀφίστασθαι). But to the people should belong the right to respond as well as power (κράτος)'.[22] It is only this final part that perhaps corresponds to Tyrtaeus' oracle. If this prose Rhetra is at least in essence authentic, as most scholars believe, it cannot reflect the very words "Lycurgus" received in Delphi. Rather, it offers (we do not know how precisely) the text of Sparta's constitution that was apparently attributed by its backers to oracular authority. This is a common phenomenon in the Greek world: Solon too claimed close connections with Delphi.

Nor can Tyrtaeus' oracle be a verbatim quotation of an oracular pronouncement. The Delphic priests formulated the Pythia's utterings in dactylic hexameters, not in elegiac couplets. Tyrtaeus thus adapted

Il. 2.211–277 with van Wees (1992) 84; (1999) 24; Thalmann (1988); Gschnitzer (2001); Raaflaub (1997b) 17.

[20] Van Wees (1992) 78–89; Raaflaub (1997b).

[21] Meier (2002) 79–81 finds this as implausible as I do. See further n. 26 below.

[22] Plut. *Lyc.* 6.1–2; tr. Talbert (1988). κράτος is undisputed; the beginning of this sentence is garbled in the mss. δάμῳ δ' ἀνταγορίαν ἦμεν vel sim. (proposed by Treu, Flacelière, and, similarly, by Wade-Gery) is a plausible emendation. Tyrt. fr. 4 from Diod. 7.12.6; Plut. *Lyc.* 6.10.

what he claimed to be an oracle to the format of his elegy. And indeed, the pentameters are obvious "fillers": they offer nothing new, and the oracle is clear and complete without them.[23] I quote the text (with the pentameters in square brackets):

> (3) The god-honored kings shall be leaders in counsel (ἄρχειν… βουλῆς, that is, first in offering their opinion) [they who care for the lovely city of Sparta,]
>
> (5) and the elders of revered age (πρεσβυγενέας τε γέροντας), and then the men of the people (δημότας ἄνδρας), [responding in turn to straight proposals (εὐθείας ῥήτραις ἀνταπαμειβομένους).]
>
> (7) They shall speak what is good and do everything justly [and counsel nothing for the city (that is crooked ⟨σκολιόν⟩).]
>
> (9) Victory (νίκην) and power (κάρτος) shall accompany the mass of the people (δήμου τε πλήθει). [For Phoibos has so revealed this to the city.][24]

Van Wees challenges mainly three points. First, he perhaps rightly prefers the translation of line 6 adopted above to the more frequent understanding as 'responding in turn *with* straight *rhêtrai*', but he takes this interpretation much farther than the text allows: the people 'are bound to agree with everything put to them. Tyrtaeus' point is, surely, that the authorities' proposals are *by definition* "straight" and that the assembly must simply *accept* them: the people must speak and act as their rulers tell them to.'[25] This interpretation is dictated by van Wees' assumption (mentioned above) that the political culture at the time demanded the people's total obedience to their rulers. Second, van Wees rejects the emendation of *skolion* (crooked) in line 8 that is garbled in the manuscripts, and, driven by the same a priori assumption, proposes something like 'and not to counsel further'. That is, the people are again expected simply to accept, without further discussion, what the authorities propose.[26] Third, he considers *nikê* and *kratos* in line 9 more plausible in a military context. Since it is unclear why only the

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[23] West (1974) 184–186.

[24] Tyrt. fr. 4.3–10, tr. Fornara (1983), mod. Meier (1998) 243–247, cf. (2002) 68 n. 8, argues implausibly against authenticity of the last two lines; *contra:* Link (2000) 22 n. 81; van Wees (2002) 94 with n. 6. *Kartos* is a variant form of *kratos*, which I will use henceforth.

[25] Van Wees (1999) 10 (his emphasis).

[26] Ibid. 10–11 (μηδ' ἔτι βουλεύειν for μηδέ τι βουλεύειν in line 8). In his most recent discussion, van Wees emphasizes this even more ([2002] 95). As Link (2003) 145–146 points out, this effort virtually to exclude the *damos* from serious deliberation is incompatible with Tyrtaeus' text.

dêmos should gain victory as the immediate result of obedience to their rulers, van Wees emends line 8 to include 'the city': 'Victory and power will attend the city and the multitude of the people' (8–9). *Kratos*, however, is amply attested in the context of domestic power, politics, and decision making, and that *nikê* should be used in the same context is not at all surprising in a highly competitive society in which politics is performed and political decisions are the result of fierce clashes of egos and opinions. The ideal Homeric hero, we should remember, is best both in battle and in speaking![27]

If we focus on the hexameters alone, Tyrtaeus' "oracle" establishes a hierarchy of speaking: first the kings, then the elders (the other members of the *gerousia*), last the common citizens. They all are supposed to counsel well and justly, but the final decision (*nikê*) and in this sense power (*kratos*) shall lie with the mass of the people. In this interpretation the *dêmos* is not supposed to be silent and simply rubberstamp proposals from above. Rather, debate and sovereignty are placed in the assembly, even if this assembly does not have the right of initiative (and its decisions can be vetoed or 'set aside'; see below).[28] All this corresponds closely to the final section of the prose Rhetra quoted above. It seems to me plausible, therefore, that this text and Tyrtaeus' oracle complement each other. For unknown reasons, the poet chose for his rendition of what he (and presumably the backers of the *rhêtra*) claimed to be an oracle only the strictly political section of the *rhêtra* (unless in lost sections he spoke of other issues as well), which he fleshed out to express what presumably was the general understanding of this clause or, at any rate, the understanding he wanted, for his own purposes, to convey to his readers.[29]

The assembly's role emphasized here is even more plausible, if the so-called "rider" to the *rhêtra* (another regulation supposedly added later, when debates and amendments in the assembly caused problems) was in fact part of the original constitution: 'But if the people chooses

[27] Van Wees, ibid. 11. Link (2003) 146–148 also argues for a political interpretation. See, e.g., Alc. 141 Campbell for *kratos;* more generally and for the fifth century: Meier (1990) 161–163. Homeric politics as performance: Hammer (1998–1999), (2002). Heroic ideal: e.g., *Il.* 9.53–54, 438–443; 15.282–284.

[28] Meier (2002) 72–77 emphasizes the restrictions imposed on the assembly and the aristocratic nature of the Rhetra.

[29] Meier (2002) 71, 77–79 points out rightly that Tyrtaeus pursues his own purpose: 'seine Intention bestand darin, das ideale, konfliktfreie Zusammenspiel der einzelnen Elemente zu beschreiben, d.h. den Spartanern das reibungslose Funktionieren der Grossen Rhetra und die dafür notwendigen Bedingungen vor Augen zu führen'.

a crooked one [i.e., *rhêtra:* makes a crooked decision], the elders and the leaders (*archagetai*) are to be rejecters'.[30] Even in this case, we must presume, the decision was not arrogated by the *gerousia:* the proposal was withdrawn, to be dropped or rethought and reintroduced another time. Most importantly, the people had the choice between proposals or could decide upon amendments, which entailed the possibility of a 'crooked' result that could be vetoed by kings and council members.

Except for line 9 (*kratos* and *nikê*), van Wees' objections concern issues raised by the pentameters. If these are indeed "fillers", they are likely to represent, at least in part, the poet's interpretation of the main clauses. This increases the plausibility of the emendation of *skolion* in line 8 (suggested to the poet by the "rider") and that of 'the right to respond' (*antagoria*) in the garbled line in the prose *rhêtra* (corresponding to formulations in line 4).

At any rate, van Wees' objections do not seem to me to justify the separation of the Rhetra from Tyrtaeus. Moreover, it is not clear to me why an appeal to *eunomia* or religious legitimation should have been incompatible with rational and political reform. Solon, as van Wees observes rightly, used both, and there is no reason to think that the *eunomia* Solon praises in a programmatic elegy (below) that presumably preceded his reforms was no longer his prime concern when he embarked on his legislation. Rather, the combination of reform with the traditional ideal of *eunomia* and religious authority helped legitimate this reform and tie it into the framework of traditional values and norms.[31] Similarly, I suggest, the reforms and constitutional changes enacted by the Rhetra were presented as restoring the traditional 'good order'. The new and crucial role attributed to the assembly, which was to meet regularly[32] at a designated place and whose right to make the final decision was now encoded in law, was tied to the equally encoded rule that initiative and (in terms of the "rider") veto remained the prerogative of the leaders and *gerontes*. Leadership thus remained in the hands of the elite, but the conditions under which such leadership was exercised, were changed and the leaders' freedom of action limited.

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[30] Plut. *Lyc.* 6.7–8; tr. Murray (1993) 166 (mod.). On the date of the "rider": van Wees (1999) 33 n. 60; Welwei (2000) 45–46, 59.

[31] See the important observations by Meier (1990) 29–52.

[32] *Apellazein*, during the festival of Apollo: Cartledge (2001) 31.

Spartan and Athenian eunomia

We now return to our investigation of *eunomia*. The pattern Herodotus observes in early Sparta—*stasis* and *kakonomia* followed by reform that achieves *eunomia*, increase in strength, and rise to power—is paralleled in his interpretation of Athens' evolution. For a long time, Athens was dominated by tyrants. Soon after their expulsion, the Athenians won surprising victories over a coalition of enemies. As long as they were held down by tyranny, the historian comments, they shirked their duties, like slaves working for a master, and were weak in war. Once they flung off the yoke and won liberty, pursuing their own interest in the common cause, they proved the best fighters and rose in power. 'This proves… what a good thing *isêgoria* is'.[33] Instead of *isêgoria* (equality of speech), Herodotus could have said *isonomia;* this was the term traditionally emphasized in contrast to tyranny. But he does not mention *eunomia*. With good reason: the overthrow of tyranny and Cleisthenes' reforms set Athens on a track toward ever greater equality and eventually democracy. To paraphrase Herodotus' view, *kakonomia* or *anomia* (lack of order, suspended order), caused by tyranny and the brief period of *stasis* succeeding it, were resolved and overcome by Cleisthenes' reform, characterized by equality, which in turn caused Athens to gain stability, self-confidence, and unprecedented power. The process that in Sparta resulted in *eunomia* produced *isonomia* in Athens, but, since *isonomia* merely modifies *eunomia* (an order based on *homoiotês*) by the criterion of absolute equality (*isotês*), the analogy is virtually complete.[34]

Our earliest historical source therefore analogizes Sparta's transformation, in both *politeia* and power, at the time of Lycurgus with that of Athens in Cleisthenes' time. Solon has no part in this scheme. To be sure, Herodotus knows Solon well enough—even as a lawgiver—but in a remarkably limited way: having completed his legislation, he went abroad for ten years, allegedly for the purpose of seeing the world, in

[33] Hdt. 5.66.1, 74–78 (quote: 78).

[34] On *anomia*, see Ostwald (1986) 112; on *isonomia* as modification of *eunomia*, Meier (1990) 162. Another parallel (explored by Herodotus only on the Spartan side) lies in the impact on the community of the homecoming of a national hero: the return of Orestes' bones enabled Sparta to rise to predominance (Hdt. 1.67–68; Boedeker 1993; Welwei 2004) just as that of Theseus' bones did for Athens in Cimon's time (Plut. *Cim.* 8; *Thes.* 36; Ungern-Sternberg 1985; Calame 1990).

reality to prevent the Athenians from changing these laws.[35] The historian mentions them three times in one paragraph but he does not give us a hint of their content. Presumably, he could have studied Solon's poems and laws—later generations did so—but apparently they did not interest him. Why not? The reason was, I suggest, that what *did* interest him, the *politeia* that enabled Athens to rise to great power, was in his view introduced much later, by Cleisthenes. Whatever the laws of Solon were about, for Herodotus' purposes they did not matter. To Herodotus and his time, Cleisthenes, not Solon, was the founder of democracy.[36]

By Aristotle's time, Solon had slipped into this role. This is not the place to discuss the extent to which this view may be justified.[37] Solon's own words, I think, offer sufficient proof that he did not consider the *dêmos* capable of ruling responsibly (see below). More importantly for my present purposes, he does not use in political contexts any of the *iso*-terms—in Athens, these probably became prominent a little later, under the impact of tyranny.[38] But in a programmatic elegy, in modern editions entitled 'Eunomia', he describes the dangers of *dysnomia* (bad order) and praises the blessings of *eunomia* (fr. 4.30–39). In another poem, defending his accomplishments, he says, 'I wrote down ordinances for bad and good alike, providing straight justice for each man' (36.18–20):[39] *thesmoi* for noble and lowly citizens, equally, yet not *isôs* or *ep'isêi* but *homoiôs*! I may be reading too much into this, and I am not entirely clear about the precise meaning of *homoiôs* here,[40] but the word choice seems significant, especially since Solon does use *ison* when stressing absolute equality in a moral context.[41]

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[35] Hdt. 1.29.1–2, 30.1. Solon as a sage (in his encounter with Croesus): 1.30–33. In 5.113.2, in a completely different context, Herodotus mentions in passing Solon's poetry, referring to fr. 19. I thank the editors for the reference.

[36] Hdt. 6.131.1. Of course, Herodotus is agonizingly vague even about Cleisthenes' reforms.

[37] On the ancient tradition: Ruschenbusch (1958) with comments by de Ste. Croix (2004) 313–315; Hansen (1989). On Solonian democracy: Wallace (1998), (2006); Stahl (1992); *contra:* Raaflaub (1998) 38–39, and (2006a).

[38] Raaflaub (1996) 150–153.

[39] Quoted by Arist. *Ath. Pol.* 12.4; tr. Rhodes (1984). For a complete text with translation of Solon frs. 4 and 36, see the Appendix to this volume.

[40] 'Similar' in the sense of "fair" laws that still respected social distinctions? Thus Rhodes (1981) 177: 'Solon enacted laws which were fair to the lower and upper classes alike'. Laws that made "peers" of unequals? Or laws that were equal for all? In (1996) 144 I suggested that Solon here might be anticipating the concept of *isonomia* (accepted by Mülke 2002, 389); I am still not sure.

[41] Fr. 24.1.

These *thesmoi* are usually understood to refer to Solon's entire legislation or "law code" (if this is the right term).[42] The extant laws of Solon, however, do not contain traces of his political reforms, and de Ste. Croix emphasizes rightly that Solon's *politeia* 'will have been defined only partly in his *nomoi*'.[43] Even in the 'Eunomia' elegy Solon does not tell us specifically what the *eunomia* he had in mind was to consist of—beyond avoidance of the negative consequences of aristocratic abuses that he describes eloquently earlier in the poem, and a general return to observing traditional ways and customs.[44] If, however, as I suggested earlier, *eunomia* was intended to cover political matters as well, Solon's principles, as reflected in some of his other statements, seem to have been rather conservative. On the one hand, Solon says (fr. 5.1–2), he did not take away any honor (τιμή) from the *dêmos*; on the other, the extent of the esteem or privilege (γέρας) or, in the version cited by Plutarch (*Sol.* 18.5), power (κράτος) he gave the *dêmos* was limited to what he considered 'sufficient' (ὅσσον ἐπαρκεῖν). The elite, though checked in their tendency to abuse power and seek unjust gain,[45] was to retain political leadership and the *dêmos* to follow their lead, 'neither oppressed nor let loose too much', for, as Solon puts it, 'excess breeds insolence, when great prosperity comes to men who are not sound of mind' (fr. 6). We are thus far from absolute equality in politics; the political responsibilities and functions of elite and *dêmos* remain sharply separated.

Accordingly, the *politeia* established by Solon differentiates political functions according to specific civic qualifications, and it is clear that political leadership (represented by the archons who automatically became members of the Areopagus Council) was limited to the elite of "horsemen" (*hippeis*), while the *dêmos* perhaps had access to lower offices and sat in the assembly.[46] The criteria regulating these distinctions and the meaning of *dêmos* will be discussed below, but it seems clear that the basic distribution envisaged by Solon is the same as that provided

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[42] On this issue, see Hölkeskamp (1999).

[43] De Ste. Croix (2004) 31, 310–317 (quote: 317). It is perhaps important that the remains of the Roman *XII Tables* also contain no political regulations.

[44] Fr. 4.5–29. On the interpretation of this poem, see, e.g., Vlastos (1946); Jaeger (1966) 75–99; Stahl (1992); Raaflaub (2001) 89–93; Mülke (2002) 88–179, and Blaise (this volume).

[45] Frs. 4.5–14, 4c, 5.3–4. For the complete text with translation of Solon fr. 5, see Irwin's contribution to this volume, p. 44.

[46] *Ath. Pol.* 7.3 differentiates more precisely but is of questionable validity (see below).

by the Spartan Rhetra.[47] Whatever Solon's provisions for the assembly or the composition and functions of the new "Council of 400", the creation of such a council (if it is authentic as most scholars believe) can only reflect an effort to balance the power of the aristocratic Areopagus Council.[48] Moreover, some of Solon's political laws make clear that members of the *dêmos* were called upon to assume communal responsibility. It is a priori likely, therefore, that Solon intended the *dêmos*, though following the elite's lead, to have their own voice and role. Blind obedience was not part of his scheme either.[49]

Keeping all this in mind, let us return to Sparta. Scholarship on archaic Sparta is in flux. Our understanding of the evolution of the Spartan *kosmos* has undergone massive revisions. Following the lead of Stephen Hodkinson, several scholars have been chipping away at just about every part of the traditional picture. The main institutions, from *agôgê* to helotage, have been down-dated and explained in new ways. The *kosmos* now appears as the result of a long development that took place mostly in the sixth century but extended well into the fifth. Seventh-century Sparta, it seems, was much more similar to the rest of Greece than we ever thought possible.[50] Tyrtaeus has also been moved down: closer to the end of the seventh century. The Spartan poet, reflecting intense discussions about the Spartan constitution and its working and emphasizing the significance of *eunomia*, and perhaps the Rhetra itself now appear as near-contemporary to Draco or even Solon.[51]

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[47] It is perhaps important, too, that some of the poems in the corpus of *Theognidea* express views that are closely related to those in Solon's poetry, and Theognis is hardly an enlightened fighter for democracy; see, e.g., Nagy (1985); Figueira (1985).

[48] *Ath. Pol.* 8.4; Plut. *Sol.* 19.1–2; Rhodes (1981) 153–154.

[49] I think of the right of any citizen (*ho boulomenos*) to take legal action on behalf of third parties ('Popularklage'), the obligation imposed on all citizens to take sides in situations of severe civic disagreement (*stasis*), and the right, in cases of severe crimes, of appeal to the assembly against an archon's verdict (*Ath. Pol.* 8.5; 9.1 with the comments of Rhodes 1981); for my interpretation of Solon's measures, see Raaflaub (2001) 93–99.

[50] See, e.g., Hodkinson (2000), which lists earlier seminal articles beginning in the 1980s; Nafissi (1991); Kennell (1995); Thommen (1996); Luraghi (2002).

[51] On Tyrtaeus, see, e.g., Meier (1998) 94 (*akmê* in 630/20); in his introduction in Hodkinson and Powell (1999) xii, Hodkinson as a matter of fact speaks of the 'late-seventh-century poet Tyrtaios'. Thommen (1996) 35–36; Meier (1998) 187 continue to date the Rhetra around 650. In my view, it was a consequence of or at least triggered by the crisis of the Second Messenian War, which Meier (1998) 94–96 dates to 640/30–600, and predates Tyrtaeus (but not necessarily by much); hence a date closer to 630/20 seems equally plausible.

If Sparta, then, was as yet far from the radical "other" it became much later, just as Athens was as yet far from fully egalitarian, let alone democratic, would it not make sense to think that *eunomia* had a very similar if not the same meaning in both *poleis*? In both *poleis* fundamental reforms were realized and propagated in a context that aimed at overcoming *stasis*[52] and emphasized *eunomia*, the ideal of a well-ordered community in which traditional norms were observed, class differences were respected, the elite was in charge, and the commoners, following the elite's lead (without blindly obeying the authorities), were protected from abuses, guaranteed fair treatment, and had the final vote in communal decisions.

In formulating it this way, I have amalgamated the political regulations of the Rhetra with the principles Solon formulates in his poems. This is methodologically unsound, I know, but is it entirely implausible or unjustified? It emphasizes the fact that Greek elite leaders shared values and views across *polis* boundaries. Some of them stood above the parties involved in *stasis*, in this respect representing what Christian Meier calls a "third position", and tried to lead their communities toward compromise, peace, and reform; they were closely connected with Apollo's oracle in Delphi that itself advocated moderation and a middle path, and they were linked together by the ancient tradition of the Seven Sages.[53]

Let us look at one specific facet. How do we define "commoners"? In Sparta this seems obvious. Whatever the precise status of the Messenians at the time, they posed a threat that was to stay. The Spartan army was crucial in controlling them, and thus the Spartan hoplites assumed decisive and permanent importance for the *polis*' security. This is the reason why we find in Sparta an early constitution that establishes a hoplite *politeia*, despite the continuing political predominance of the elite and its control over political procedures. The *damos* that, according to the Rhetra, was intended to hold *kratos* and *nikê*, was the citizen body in arms, the *homoioi*. These citizens, by definition, were all landowners and farmers (even if they did not cultivate their land themselves).

Athens, by contrast, did not need to worry about any Messenians. Wars with its neighbors were relatively infrequent and, some scholars

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[52] On the depth and long-term repercussions of *stasis* in late-seventh-century Athens, see Stein-Hölkeskamp (1989); Welwei (1992) 150–161; Flaig (2004) 38–45. On *stasis* in Sparta: Meier (1998) 18–185.

[53] Meier (1990) 29–52. Seven Sages: *Der Neue Pauly* 11 (2001) 526 with bibliography.

think, often private or semi-private rather than state affairs.[54] However that may be, we can safely assume that Athens' hoplite army did not play the same vital communal role as that of Sparta did. Communal integration accomplished by reform and legislation thus had different reasons. We cannot discuss this problem here.[55] Our question is rather: whom did such integration comprise, how far did it extend on the political level? This question leads us into a whole slew of problems.

Problems posed by the Solonian census classes

According to *Athênaiôn Politeia* 7.4, Solon defined four census classes by the criterion of agricultural produce: the '500-Bushel-Men' (*pentakosiomedimnoi*), the horsemen (*hippeis*, qualified by 300 *medimnoi*), the 'zeugites' (200), and the 'thetes' (below 200).[56] Were these classes based on military qualification or on wealth? The contradictions caused by this distinction form the core of de Ste. Croix' detailed discussion (see below). All four classes pose problems.

First, the *Athênaiôn Politeia* (7.3) claims that the thetes were not qualified to hold office and 'received only the right to sit in the *ekklêsia* and the *dikastêria*'. This is mostly understood to mean that before Solon the thetes were excluded from any form of political participation. Hignett, notoriously critical, doubted this. P.J. Rhodes voices reservations: it 'is unlikely that there was a formal distinction between full citizens, who could attend the assembly, and inferior citizens, who could not. More probably every citizen could attend, though… the lower-class men were expected, both before Solon's reforms and for some time after…, to attend as "brute votes" rather than active members'. I agree, but few others do.[57] Yet this is not the only difficulty raised by Solon's "timocratic system".

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[54] Frost (1984).

[55] Raaflaub (1993) 68–75; (1999) 139–140 with bibliography.

[56] Cf. Arist. *Pol.* 1274a15–21; Plut. *Sol.* 18.1–2; for other sources, see de Ste. Croix (2004) 28–29 with notes. Foxhall (1997); van Wees (2001) 48–51; de Ste. Croix (2004) ch. 1 discuss problems of measures and produce, and the consequences for our assessment of the *telê*.

[57] Hignett (1952) 79, 84, 98, 117–123, 143; Rhodes (1981) 141; Raaflaub (1998) 38–39; (2006a); see also Hanson (1995) 112: the thetes 'were still excluded from most formal political representation'.

Second, the *zeugitai*. Whitehead, de Ste. Croix, and others presented in my opinion compelling arguments supporting the view that *zeugitês* more plausibly designates the hoplite rather than the owner of a yoke of oxen; Rosivach and van Wees now make a very strong case for the opposite position.[58] In any case, the Solonian zeugite census of between two and three hundred *medimnoi* was improbably high. The property required for this amount of agrarian produce would have placed the Athenian zeugites on the level of well-to-do farmers, far above the generally assumed size of an average Greek family farm sustaining a hoplite or owner of a yoke of oxen.[59] Moreover, to those accepting the identification of zeugites with hoplites, numbers matter: hoplite armies were more effective the larger the numbers involved. Limitations thus only made sense if the numbers available far surpassed the numbers needed. In early-sixth-century Athens, this was hardly the case.[60] No numbers are preserved before the period of the Persian Wars, more than a century after Solon. 9,000 Athenian hoplites fought at Marathon and 8,000 at Plataea.[61] Yet, if we take into account the landed property of the higher census classes (*hippeis* and *pentakosiomedimnoi*), Attica was far too small to accommodate so many 200-bushel men. I identified this problem a few years ago and concluded that either the zeugite census of 200 *medimnoi* is far too high and possibly represents an inference from much later data or, if it is correct, the zeugites cannot be hoplites. The hoplites' property qualification then probably was much lower, if one existed at all. As a consequence, however, most hoplites would be relegated to the thetic class, which seems hard to accept in view of the values and ideologies involved. At any rate, well into the fifth century the Athenian hoplite class was perhaps far less comfortably propertied, less exclusive, and perhaps less rigidly defined than the tradition suggests.[62] We will return to this issue.

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[58] Rhodes (1981) 138; Hanson (1995) 111; Whitehead (1981) and de Ste. Croix (2004) 49–51. *Contra:* Rosivach (2002) and especially van Wees in his contribution to this volume.

[59] Foxhall (1997) 129–132; van Wees (2001) 47–51, (this vol.). Family farm: Hanson (1995) 181–201; van Wees (2001) 47–51. Land needed to sustain a pair of oxen: see van Wees' contribution to this volume.

[60] Not least if there is any substance to the tradition about Athens' lack of success in its rivalry with Megara about Salamis (Andrewes 1982, 372–375). On Athens before Solon: Stein-Hölkeskamp (1989) chap.3; Foxhall (1997).

[61] Beloch (1886) 60; van Wees (2001) 71 n. 75.

[62] Raaflaub (1999) 138, 150–151 n. 49.

Third, if the zeugites were hoplites, the *hippeis* must have been cavalry, that is, horsemen fighting on horseback or at least owners of horses that were used for military purposes. The Roman *equites*, the highest class in the sixth-century "Servian" centuriate system, did fight as cavalry, and from archaic Etruria, unlike archaic Greece, we have depictions of horsemen in combat, often involved in mixed fighting together with archers and hoplites.[63] Yet Athens did not have an organized cavalry force before roughly the 450s or 440s; the terminus ante is a dedication on the Acropolis by the *hippeis*. The Parthenon Frieze of the late 430s documents communal pride in this force. Earlier evidence is more than slim and subject to conflicting interpretations. Nor did Sparta or any other *polis* in central and southern Greece have such a force. In the archaic period, cavalry was a specialty of northern Greece (Thessaly and Macedonia) with its big plains.[64] It is often assumed that archaic elite *hippeis* in Athens and elsewhere rode rather than marched to the battle site, only to dismount there and take their position in the phalanx. Such use of horses is non-military, a status symbol. Even if horsemen were important as scouts, in raids, in pursuit after battle, as border patrols, and perhaps in other ways, it seems difficult to attribute their eminence in an early sixth-century census class system to their military capacity rather than their wealth.[65]

Finally, the *pentakosiomedimnoi*. Scholars generally assume that Solon added this census category to the three already existing ones.[66] Extant evidence attests only that membership in this highest class was mandatory for the *tamiai*, the treasurers of Athena. The introduction of this category thus needs to be explained with the *polis*' need to draw on a group of very wealthy citizens for offices with great financial responsibility.[67] If so, what responsibilities of this type existed in early sixth-century Athens? Very few public buildings and no monumental ones,

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[63] *Equites:* Livy 1.43; Dixon and Southern (1992) 20; Servian system: Cornell (1995) 173–197. Etruria: Jannot (1985). A systematic analysis of all military images on Greek vases of the sixth and fifth centuries is a major desideratum; such an analysis would need to take into account conventions of genre and limitations of small-scale pictorial representation. Lissarrague (1990) offers only a selective analysis.

[64] Bugh (1988); Spence (1993); Worley (1994) assume that Athens did have a real cavalry force in the early sixth century; Gaebel (2002) 57–60 is more cautious; see also Evans (1987). Parthenon: Jenkins (1994). Dedication: *IG* I^3 511; Raubitschek (1949) 135–135b; de Ste. Croix (2004) 15.

[65] See next section for de Ste. Croix' strong emphasis on this military function.

[66] Rhodes (1981) 137–138; de Ste. Croix (2004) 7, 49.

[67] De Ste. Croix (2004) 42, 55.

whether sacral or profane, stood on and around the Acropolis and the Agora before the tyrants assumed power.[68] Even if there already was a public treasury (before the introduction of communal coinage), would the management of such fines, public transactions and public property as there existed at the time have necessitated an additional and very high census category?

For the time of Solon, then, all four census categories pose difficulties. Not that it is impossible to get around these. We can choose to ignore the problem of the *pentakosiomedimnoi;* after all, what do we really *know* about public treasurers in Solonian Athens? We can return to a nonmilitary interpretation of *hippeis* and *zeugitai*. Or we can hold on to the "soft" function of *hippeis* (riding and patrolling rather than fighting) and assume that the number of 200-bushel zeugites that fit into Attica in Solon's time still afforded Athens with a fighting force that sufficed for the military needs of the time. Recognizing that compromises do not help here, van Wees and, posthumously, de Ste. Croix, have recently proposed incisive solutions. Both focus on the problems of the *zeugitai* / hoplites. I will discuss these briefly and then suggest a third possible solution.

Possible solutions

Rejecting fixed census qualifications?

After examining all the (surprisingly scarce) evidence on the *telê* in the fifth and fourth centuries, de Ste. Croix concludes that 'we must begin with, and treat as primary, not the census classes but the military categories'. In this period, 'membership of all *telê* except the highest was entirely dependent upon a man's military classification and did not determine that classification'. The thetes were too poor to bear the burden of hoplite service, but they could volunteer as *epibatai* (sailors) on the fleet. The zeugites were those serving in the hoplite army (by being able to afford not only the equipment but also substantial times of absence from their farms). The *hippeis* were those capable, physically and property-wise, of serving in the cavalry. They did so voluntarily, by persuasion, or being compelled by peer pressure, and were listed on an

[68] Camp (2001) 26–28.

official register (*pinax*). The hoplites equally got themselves registered in an official list (*katalogos*), prompted by the social prestige involved or by social pressure. In either case, there was no fixed quantitative census assessment (*timê*). The census classes were secondary and only important as qualification for office holding and for a few additional purposes.[69]

The extant sources all attribute the census classes to Solon, but with one exception, they all directly or indirectly derive from the tradition preserved in *Athênaiôn Politeia* 7.4. On the basis of manifest errors and uncertainties in the *Athênaiôn Politeia*'s report, de Ste. Croix is convinced that its author did not personally see Solon's law on the *telê*, which was part of the *politeia* and thus separate from the *nomoi* and not necessarily preserved in the original by his time; in addition, in important respects he or his source(s) may have misunderstood what was believed to be Solon's law.[70] The name (*pentakosiomedimnoi*) confirms the authenticity of an assessment in agrarian produce only for the highest census class (although the details are fatally flawed);[71] this makes sense for officers holding financial responsibility. No such confirmation exists for the *zeugitai* or *hippeis*. In the latter case, the alternative explanation rejected by the *Athênaiôn Politeia* must be correct: they could afford to breed horses and as such must have been very rich men. It is therefore 'impossible to believe' that the minimal assessment of zeugites was two thirds of that of the *hippeis*. Moreover, the number of *hippeis* in the early sixth century must have been small (perhaps 200–300), that of the zeugites at least ten times larger (perhaps 3–5000), which would create a most implausible demographic curve. Hence, de Ste. Croix concludes, the qualifications of *hippeis* and *zeugitai* were in Solon's time what they were in the late fifth and fourth centuries: the ability to maintain a horse for military service and to fight as a hoplite. This military capacity determined membership in the appropriate census class, which in turn determined access to political office and other obligations. No quantitative *timê* existed for either of these classes; the *pentakosiomedimnoi*, Solon's new and artificial creation, were the only exception, justified by specific reasons that made such a *timê* appropriate.[72]

[69] De Ste. Croix (2004) 23–24, with supporting arguments *passim* (esp. 16–17, 24–27).
[70] Ibid. 28–32.
[71] Ibid. 32–43.
[72] Ibid. 46–51.

The most urgent question, then, is when and how the notion originated that the other census classes were defined as well by fixed assessments in produce from landed property or in money. In a nonpolitical context (the dowry for an heiress of the thetic class) that does not pretend to give the qualifications for the *telê*, we find for members of the upper census classes a ratio of 500:300:150. Solonian laws unknown to us (whether obsolete or still valid in the late fourth century) were available to Aristotle and his predecessors. 'If in such a law a figure of 500 drachmae for a Pentakosiomedimnos occurred in conjunction with 300 for a Hippeus and 200 for a Zeugites', Aristotle or his source 'may well have jumped to the not unreasonable conclusion that the member of each class (and not only the Pentakosiomedimnos) was being made liable in proportion to the value of his qualifying assessment'.[73]

Overall, as said earlier, de Ste. Croix' views are compelling. That Solon's "timocracy" was initially determined only by military capacity seems to me utterly convincing.[74] But I have doubts in two respects. One is de Ste. Croix' confidence in the argument from silence. True, it is most puzzling that the extant late-fifth- and fourth-century sources say so little about these census classes and are silent about any change in qualification determining membership in them. But, apart from the *Athênaiôn Politeia* and Aristotle's other works, the extant evidence for Athenian constitutional history is minimal. Issues not mentioned there are shrouded in uncertainty. What Plutarch and other late authors supply is often highly doubtful. Most of the fifth- and fourth-century authors whose works survive (even Thucydides) were not interested in constitutional history *per se* and mention specific issues only when they become relevant—and then usually as a matter of fact, without much explanation. Lack of evidence is thus not necessarily identical with nonexistence.[75]

My other concern has to do with de Ste. Croix' explanation of how the tradition about the fixed *telê* came about. True, there was no limit to the ability of fourth-century and later authors to deduce historical "facts" from the thinnest "evidence"; undoubtedly, many items of much later origin were falsely attributed to Solon, and it is obvious that late-fifth- and fourth-century writers had little understanding of early sixth-century conditions. Yet the *Athênaiôn Politeia* (7.4, 47.1) presumes that the

[73] Ibid. 47; [Dem.] 43.54.

[74] So too Rhodes (1981) 138; Foxhall (1997) 129 with n. 97.

[75] See also below at notes 112 and 123.

quantitative *telê* still existed in the late fourth century, even if they had lost any real military or political significance and were therefore mostly ignored. It seems to me easier to assume, against de Ste. Croix, that at some time the original military *telê* were redefined in quantitative terms, but that these proved impractical or unrealistic after a while, due to changing conditions (especially an increasing number of citizens who disposed of wealth other than land), and thus came to be ignored.[76] The time of this redefinition was no longer known in the fourth century; hence its attribution to Solon. That it took place as late as the fourth century is unlikely; Aristotle's sources would have remembered it. De Ste. Croix suggests that the 400 oligarchs in 411/10 did not know such quantitative assessments: being interested in drastically limiting the number of zeugites, they would have welcomed the opportunity to restore respect for a restrictive Solonian law. Rather, I think, they aimed at keeping even the zeugites out of politics and thus paid lip service to a government based on 5,000 full citizens but deliberately avoided formulating criteria and establishing a list of those qualified.[77] All we can say with reasonable certainty is that the Four Hundred were not responsible for inventing the quantitative *telê* and retrojecting them to Solon. I shall return to this line of thought after discussing van Wees' explanation of the high zeugite assessment.

Dividing the hoplite class?

In a thorough investigation (written before the publication of de Ste. Croix' essays), Hans van Wees reaches the conclusion that socially and economically the hoplites did not form a 'largely unified, cohesive group'. Rather, he suggests, in Athens, 'and perhaps elsewhere, hoplites were economically and politically divided right down the middle' between those who met the 200 medimnoi requirement and those who did not. 'The split was not just between a few rich men on the one hand and a broad middle class on the other, but between the wealthier half of the hoplites who had certain political privileges and duties, and the poorer half of the hoplites who had neither'. Recogniz-

[76] As suggested by van Wees in his contribution to this volume.

[77] The 5,000 are mentioned in Thuc. 8.65.4, 66.1, 67.3, 72.1, 86.6, 89.2, 92.11; they are placed in charge after the fall of the 400: 8.97; cf. *Ath. Pol.* 29.5; 33.1–2; Rhodes (1981) 385–387; Ostwald (1986) index, *s.v.* 'Five Thousand'. De Ste. Croix (2004) 27. For a possible *terminus ante*, see n. 114 below

ing that this internal division has serious implications for our understanding of archaic and classical Athenian history, van Wees concludes 'that the structure of society and politics was shaped by the distribution of wealth, regardless of the differentiation of military functions'.[78] In particular, he hypothesizes that the highest property classes were *liable* to service but the others were not excluded: they were not obliged to own a hoplite panoply and serve in the army but could do so if they wished, serving as volunteers, especially when in "national emergencies" such as the Persian invasions, mass levies were required.[79]

These conclusions are part of a much broader revision of conventional views about the development of the hoplite phalanx.[80] I personally find the idea of a general distinction, whether in Solon's time or later, between zeugite and thetic hoplites implausible (even if small numbers of thetes did serve as volunteer sailors [*epibatai*] on the fleet). I mention three reasons. First, already in Homer, the word *thês* ('hired laborer') has a strongly negative connotation.[81] Van Wees attempts to give it a more harmless ring: 'the *thêtes* were "hired" insofar as they would render service to the community only for a reward'.[82] Pay for military service in the early sixth century seems even less plausible. I doubt that at the time citizens who were capable of hoplite service would have perceived their classification as thetes as anything but degrading. Moreover, as far as we know, only extreme oligarchies tried to keep the number of hoplites lower than necessary.[83] The case might have been different if hoplites were available in abundance—which did hardly apply to the early sixth century.

Second, if we accept de Ste. Croix' main point that the census classes were not based on agrarian income from landed property, all calculations of how many farms capable of producing such income fitted into the Attic territory become obsolete—at least for Solon's time and long thereafter. Registration in the hoplite *katalogos* was apparently based on self-declaration, as is confirmed by a remarkable testimony from the time after the fall of the Four Hundred; whoever wanted to serve as a hoplite, owned the equipment, and could afford it otherwise, could do

78 Van Wees (2001) 45.
79 Ibid. 59–60.
80 Van Wees (1995), (2000); see also Krentz (2002); to be discussed elsewhere (Raaflaub 2006a) and (2006b).
81 *Od.* 4.644; 11.489–491; 18.356–375; cf. *Il.* 21.441–452.
82 Van Wees (2001) 61.
83 Such as the Four Hundred in Athens (see previous sub-section).

so.[84] The price of a panoply in the late sixth century was thirty drachmas (later more);[85] the panoply could be inherited, passed along, borrowed, or acquired by booty, and then adjusted; even if one needed to buy the whole set or parts of it, it certainly required an annual income (whether agrarian or monetary) far below the "Solonian" assessment to produce the required surplus over several years.[86]

Third, even if Solon had introduced a quantitative assessment or if this had happened by the time of the Persian Wars, the large Athenian hoplite forces at Marathon and Plataea are likely to have consisted not only of citizen soldiers living in Attica. At the battle of Marathon, slaves, freed before the battle, were included; the same is likely to have happened at Plataea; we do not know how many and who provided their equipment.[87] Others probably were foreign residents (metics). According to Herodotus, the Athenian settlers from the large cleruchy on Euboea, established after the victory over Chalkis in 506, returned before the battle; if the number of 4,000 is correct, they would have provided a large portion of the Athenian hoplite force.[88] On the other hand, Greg Anderson has argued plausibly that even under the tyrants Attica was far from completely integrated; areas on the margins still were at least semi-independent.[89] All in all, then, the number of Athenian (or, more precisely, Attic) citizen hoplites before Cleisthenes' time may have been considerably smaller than the totals mentioned for the Persian Wars—perhaps only about half, which would bring this number to the level calculated by van Wees as possible for Attica on the basis of "Solon's" zeugite assessment.[90] After the Persian Wars, Athens

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[84] Lys. 20.13; Rhodes (1981) 142; Andrewes (1981). The existence of a permanent *katalogos* has recently been contested: Hansen (1981) 24–29; (1985) 83–89 and Hornblower (1991) 256 argue for registers drawn up for individual campaigns. I doubt this.

[85] *IG* I[3] 1; ML 14; further references in Jackson (1991) 229; van Wees (2001) 66 n. 22; Franz (2002) 351–353. By the fourth century, thetes must have been admitted to the council (Hansen 1999, 248–249). In the fifth century, this may not have been the case (Rhodes 1972, 2–3). The introduction of pay for zeugites serving in the council and on campaign (and the latter's continuation under the 400 [Thuc. 8.65.4]) would indicate that not all zeugites were well-off.

[86] The exchange of defensive armor is attested in *Il.* 14.370–384; on booty and dedications of weapons and armor: Pritchett (1971–1991); Jackson (1991); on the possibility of equipping friends and dependents, see n. 58 in van Wees' contribution to this volume.

[87] Paus. 1.32.3; cf. 7.15.7; 10.20.2; Welwei (1974) 22–28; Hunt (1998) 26–28.

[88] Hdt. 5.77.2; 6.100–101.1.

[89] Anderson (2003) 13–42.

[90] Van Wees (2001) 51–54.

and its citizens experienced a long period of great prosperity; moreover, Athens' imperial and naval policies enabled many thousands of Athenians to acquire landed property in colonies and cleruchies abroad; A.H.M. Jones estimates that perhaps 10,000 thereby rose from thetic to zeugite status.[91] This helps to account for the enormous number of hoplites attested by Thucydides for 431 that forms the basis of van Wees' calculations.[92]

As a result, whether or not we assume that quantitative *telê* existed before the Persian War period, it proves unnecessary to postulate an Athenian hoplite class that was split between hoplites proper who met the zeugite census and thetic hoplite volunteers.

In his chapter in the present volume, van Wees expands his analysis and arrives at a startling conclusion. The *zeugitai* as 200-bushel-men were not only wealthy enough to be members of the leisured class—they were few, only about 5–10 % of the adult male population.

> [The] mass of the *thêtes*, dependent smallholders and landless men, were separated from the elite of leisured property-owners, not by a middle class of independent working farmers, but by a yawning gap... The social and economic stratum of independent, working, yoke-owning farmers did not yet exist in Athens around 600 BC—or, at any rate, was so small as to be negligible—and it was only later, when a "middling" class of farmers developed and grew to make up about a third of the population, that large numbers of yoke-owners could be found outside the group of the *zeugitai*, whose traditional name and property census, however, remained unchanged.

What prevailed in Athens at the time of Solon was thus the type of 'a highly polarised regime, under which an elite of 10–20 % of the population controls sufficient land and labour not to have to work while the remaining 80–90 % of the population does not have enough land

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[91] See n. 92 below. See also Figueira (1991); Brunt (1993) 112–136.

[92] Van Wees (n. 65 in his contribution to this volume) objects that large-scale confiscations were rare and that the citizens involved in land distributions on annexed territory usually emigrated to settle abroad, 'so that they could not have made quite such a vast difference to the distribution of wealth at home'. The point is that most of these settlers remained Athenian citizens and thus presumably continued to be registered in the citizen lists of their demes as well as the *katalogos*. They could be recalled for duty and so were at least potentially available. If Jones (1957) 161–180 is right, several thousand cleruchs in fact were absentee landlords continuing to live in Attica. The list of cleruchies mentioned in the extant sources is certainly not complete; even so, the numbers we have are surprisingly large. On all these issues, see now the detailed discussion in Figueira (1991) 201–225, which supports my argument.

to survive without additional income'.[93] Despite the statistics, calculations, historical parallels, and sophisticated arguments that van Wees adduces to build his case, I cannot help finding it largely implausible. It obviously deserves careful examination; here I can only mention a few doubts and objections.

True enough, this picture corresponds to that drawn by the ancient sources, and it finds support in pervasive criticism of elite abuses in archaic poetry.[94] The extant sources for the social crisis in Solon's Athens, however, begin with and go back to the *Athênaiôn Politeia* which, almost three centuries after Solon, probably drew mostly on Solon's own poetry. What remains of this poetry certainly illustrates a crisis and dire conditions but is far from reflecting the extreme polarization proposed by van Wees.[95] To be sure, Solon was an elite person himself, and in sympotic poetry he may have tended to gloss over the extremes, but he has no qualms in placing the blame for the crisis squarely on the elite's side, and his description of the elite's behavior is anything but flattering.[96] Hesiod, composing his epics less than a century earlier in neighboring Boeotia, is concerned with the plight of the subsistence farmers but far from alarmist.[97] A wide range of evidence from archaic Greece, largely predating Solon, attests in various ways to basic equality, despite differences in wealth, prestige, and power, among at least those free citizens who owned land and carried weapons, and, as far as I can see, there is very little support for the assumption that these were a small minority. Morris, Wallace, and I, using different approaches, thus came to the conclusion that the Greek *polis* was built on a foundation of equality.[98] If van Wees were right, it would seem, therefore, that conditions in Athens either differed starkly from elsewhere in contemporaneous Greece or deteriorated rapidly over only a few decades to reach a state of extreme polarization. This would need to be explained. Under such conditions, one would assume, poor and oppressed Athenians might have participated in large numbers in colonizing ventures (which, as settlement patterns in Magna Graecia and Sicily as well

[93] Van Wees in his contribution to this volume, p. 366. Proportion of *zeugitai:* ibid. at n. 30.

[94] See van Wees' contribution to this volume, at n. 40.

[95] See, for example, frs. 4 and 36.

[96] Crisis of the aristocracy: Stein-Hölkeskamp (1989) 57–138; Donlan (1999) 35–75; Solon: Wallace (2006).

[97] See, e.g., Millett (1984); Hanson (1995) ch. 3; Tandy and Neale (1996).

[98] Raaflaub and Wallace (2006); see also Morris (1996), (2000); Raaflaub (1996).

as the foundation decree for Thera's colony at Cyrene illustrate, were also quite egalitarian).[99] The extant sources, however, seem to indicate almost complete nonparticipation of Athenians in this movement,[100] which has traditionally and plausibly been explained by the availability of sufficient land reserves in Attica. Finally, the historical analogies van Wees cites come from 19th-century southern Italy and Sicily, illuminating conditions resulting from centuries of development out of a medieval feudal past.[101] We would need different kinds of parallels to make a plausible case that such extreme polarization could emerge in very early stages of state formation. I would be inclined to think that in early or emerging societies the number of landless and dependent workers that could be supported on even the most basic level by labor for the wealthy would be rather limited. I would therefore expect the number of thetes to have been relatively small in archaic Greece and to have grown to the levels attested in fifth- and fourth-century Athens only as a result of vast economic expansion especially after the Persian Wars.[102] This view obviously is incompatible with van Wees'; further discussion will be necessary to resolve these differences.

Downdating "Solon's" timocracy?

Even if we decide to resolve the zeugite problem in one of the ways suggested by de Ste. Croix or van Wees, for the time of Solon all the other census classes still pose the difficulties mentioned previously. The only way to resolve all these problems at once is to assume (a) that in the sixth and early fifth century there were but three classes (*hippeis, zeugitai*, and *thêtes*); these were defined only in military terms (as de Ste. Croix suggests), and Solon used them to determine the citizens' political capacities and perhaps other obligations. (b) At a later time the *telê* were redefined by quantitative assessments, and a fourth artificial *telos* (of the *pentakosiomedimnoi*) was added. (c) The wholesale attribution of this elaborated timocratic system to Solon by fourth-

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[99] Thera (preserved in a fourth-century copy): Meiggs and Lewis (1988) no. 5, lines 27–28 (ἐπὶ τᾶι ἴσα[ι κ]αὶ τᾶι ὁμοίαι, on equal and fair terms); for equality in colonial settlement patterns see bibliography in Raaflaub and Wallace (2006) n. 25.

[100] The earliest action of this kind, but rather limited in scope, concerns Sigeion in the Troad, shortly before Solon's time; see Figueira (1991) 132–133; Welwei (1992) 147–150.

[101] Van Wees in this volume, p. 366.

[102] For the latter: Raaflaub (1998b); increase in number of thetes: ibid. 29–30.

century authors (Aristotle's school or sources) was probably due to ignorance and is comparable to the retrojection of other "Solonian" laws and to analogous processes in Sparta (with "Lycurgus") and Rome (with the "Servian" centuriate organization).[103]

I can think of only one time when the introduction of such a system made sense, even with the traditional census figures: the period of the political reforms enacted between 462 and 450 and connected with the names of Ephialtes and Pericles. By that time, Athenian financial officials (above all the treasurers of Athena) were dealing with vast amounts of money supplied by tribute and other imperial and domestic income and expended for costly wars, pay for civic functions, and domestic building projects.[104] A substantial cavalry force was established and quickly became the "pride of the nation", featured prominently on the Parthenon Frieze.[105] Hoplites were still important but the primary role in war had been assumed by the fleet and the thetes who provided a large proportion of the crews (a fact acknowledged even by the Old Oligarch).[106] By 431 the number of hoplites had grown far beyond that attested for the Persian Wars, largely as a consequence of continuing increases in the citizen population (due to prosperity), the massive influx of metics, and the upward mobility of many thousands of Athenian thetes who received land allotments on territory confiscated from rebellious allies.[107] These demographic and concomitant economic changes made it possible now for the first time to introduce quantitative assessments for the *telê* and to set those on a high level.[108]

Moreover, recent and profound military changes necessitated political adjustments: the thetes, in my view previously marginalized militarily, socially, and politically, were now continually putting their lives at risk for the common good and are likely to have clamored for full enfranchisement, and clever politicians took advantage of this popular sentiment. In *Suppliants* of 463, Aeschylus presents as worthy of special emphasis and thus perhaps still unusual the idea that in a community faced with most difficult choices affecting *every* citizen's well-being, *all* citizens, *the entire polis* (πᾶσα πόλις) should be involved in making

[103] For the latter, see n. 125 below.
[104] Samons (2000) especially 30–50.
[105] See n. 64 above.
[106] Ps. Xen. *Ath. Pol.* 1.2. On the military changes, see Raaflaub (1999) 141–147.
[107] Jones (1957) 7, 161–180; Hansen (1981); (1985) 16–21; see n. 92 above.
[108] On economic and other changes after the Persian Wars, see Davis (1992); Raaflaub (1998b).

these choices and thus participate in the assembly's decisions.[109] Hence it would make sense if around that time the Athenians enacted legislation that explicitly entitled *all* citizens to participate *actively* in the assembly and in the *dikastêria*. The latter are likely to represent a reorganization of the older *hêliaia*, introduced at this very time in reaction to new needs connected with Athens's imperial rule.[110] The same is probably true for the prytanies of the Council of 500 and for many smaller offices. Frank Ryan suggests plausibly that even the archonship was made accessible to the zeugites in 462 rather than in 457.[111] It is possible, therefore, that a set of measures reorganizing the working of the institutions were clustered around Ephialtes' reforms in 462/1. None of these have left their mark in the extant sources which are also agonizingly vague about the precise content and significance of Ephialtes' reforms. It thus would not seem implausible that a redefinition of the census classes and the political rights of the citizens involved was part of the package but left no trace in the extant record. Alternatively, we might think of Pericles' citizenship law in 451/0 as a suitable context. Here, incidentally, we have a law that was introduced under specific pressures in a time of great prosperity, was later ignored in changed circumstances and under different pressures, and eventually reenacted.[112] What I propose for the law about the *telê* is thus not entirely unique.

A decree passed in 445 or so 'stipulates that the settlers in Brea are to be from the *zeugitai* and the *thêtes*'.[113] If this presupposes a precise definition of the term 'zeugite', which I do not consider necessary, it would provide a terminus ante for the law about the *telê*. I cannot think of any earlier evidence that presumes the existence of such a law rather than interpretation by later sources based on the assumption of the law's Solonian origin. Before 462 or 450, then, I suggest, *pentakosiomedimnoi* did not exist, while *zeugitai* and *hippeis* were informal categories, based on military capacity and the concomitant social status and prestige, and on self-declaration. If so, we should assume indeed that in the time of Solon, and still much later, active membership in the assembly and law courts was restricted, not by law but by tradition and gener-

[109] For detailed discussion, see Raaflaub (2006a).

[110] Ostwald (1986) 62–77.

[111] As claimed by *Ath. Pol.* 26.2: Ryan (2002). Prytanies: Rhodes (1972) 16–21; Ryan 1994.

[112] *Ath. Pol.* 26.4; Plut. *Per.* 37.3; Rhodes (1981) 331–335; Patterson (1981).

[113] Meiggs and Lewis (1988) no. 49. 39–42; de Ste. Croix (2004) 11.

ally accepted norms, to citizens who were at least able to serve in the hoplite army.

Several further issues need to be addressed. First, is there any evidence, apart from the fourth-century attribution of the *telê* to Solon, that contradicts the date I propose? I do not think so. The *Athênaiôn Politeia* (7.4) mentions a statue and inscription on the Acropolis, recording that Anthemion rose from the *thêtes* to the class of the *hippeis*. This monument must postdate the Persian Wars and it has attractively (though without certainty) been connected with the father of Anytos, the accuser of Socrates, which would presumably place it after 450.[114]

Second, is my proposal compatible with the general tendency of the reforms initiated by Ephialtes and Pericles in 462–450? At first sight, admittedly, it seems not. As van Wees puts it, my theory 'implies that the office-holding rights which Solon had bestowed on *zeugitai* in their presumed original sense of a broad class of independent working farmers and hoplites, were now confined to *zeugitai* in their new guise as a narrow elite of leisured landowners. Such a constitutional change would have been as drastic and fundamentally undemocratic as any brought about by the short-lived oligarchic coups of 411 and 404/3 BC, and is surely inconceivable in the era of Ephialtes' and Pericles' democratic reforms'.[115] Perhaps, but things may have been more complicated. The reforms would certainly have involved a complex scheme of redistributing political rights and responsibilities, of give and take. This scheme might have been acceptable (at least to the majority), if the losses were compensated by gains and concerned "rights" that in the changed conditions of the time had become too burdensome for many of those affected. Of course, there is so much that we do not know, but some of the things we know may point in this direction. The thetes clearly gained: they formally achieved the right to man the *dikastêria* and to vote in the assembly. Even if the *Athênaiôn Politeia*, which in its far too schematic reconstruction betrays guesswork rather than precise knowledge, does not say so, the increasing number of small collective offices typical of the fully developed democracy probably were accessible to the thetes as well. So, I think, from 462/1 or soon thereafter

[114] Rhodes (1981) 143–144; see also de Ste. Croix (2004) 70–71. If Hdt.2.177.2 really refers to an income declaration connected with the *telê* (so Ruschenbusch 1966, nr. 78a and comm. on p. 100) the quantitative assessment existed (and was commonly attributed to Solon) by the time Herodotus composed this passage.

[115] Van Wees in this volume, p. 365.

were the seats on the Council of 500. Service as rowers on the fleet was voluntary and paid; to large numbers of the thetes this may in fact have been an attractive option.[116]

What needs to be explained is why the majority of the previous zeugites would have accepted their demotion to thetic status effected by the new assessment. They essentially retained their political rights but lost military standing and obligations. On the other hand, whatever their individual social and economic backgrounds, collectively, through their crucial role on the fleet, the thetes had risen in reputation and status. Moreover, Athens' hegemony in the Delian League and rule in the empire often necessitated long-lasting military engagements abroad, which, especially in siege operations, required very substantial infantry involvement. Hoplite service had thus become much more demanding than it used to be in the short and intermittent hoplite campaigns of the pre-Persian War period. In fact, it now imposed a serious burden on those who owned a panoply but had no financial reserves, did not count among the leisure class, and could ill afford long absences from their farms.[117] Even the introduction of pay for hoplite service did not cover more than a "minimal wage" for the hoplite himself; it did not provide for his slave attendant or for the laborers needed to do the farm work.[118] As van Wees points out, the first testimony for large numbers of zeugites being conscripted for service on long expeditions abroad dates to 456, but the earliest extant evidence does not necessarily cover the earliest event of its kind.[119] Under these new conditions many of the previous zeugites may indeed have perceived their elimination from the hoplite *katalogos* more as a relief than a loss of privilege.

Third, given the introduction of coined money and the increasing monetization of the economy since about 550, why would *telê* intro-

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[116] Offices: Hansen (1980), (1999) ch. 9. Council: no evidence exists; Rhodes (1972) 2–3 and van Wees (this volume, p. 367–368) think that membership was limited to the three highest census classes, but see Hansen (1999) 248–249. Thetes and rowing: Finley (1982) 58–60, cf. 51, with Raaflaub (1998b) 24.

[117] De Ste. Croix (2004) 17 rightly emphasizes among the costs a hoplite had to shoulder those caused by potentially long absences from his farm. On changes in democratic warfare, see Hanson (2001).

[118] De Ste. Croix, ibid., dating the introduction of hoplite pay to about the middle fifth century.

[119] Van Wees in this volume, p. 373. The Cimonian wars of expanding Athenian control and membership in the Delian League involved several sieges; so did wars to subdue rebellious allies: those of Naxos and Thasos (the latter lasting three years) preceded 462/1.

duced in 462–450 have taken into account only agrarian income from landed property and not other forms of income and property? The traditional value system linking fighting and tilling the land may still have been powerful enough at that time. At least by the late 460s, the impact of the economic changes prompted by Athens' hegemonial and imperial power may not have been fully visible or more strongly visible in the influx and financial power of metics, causing the Athenians to define their status and eventually to redefine citizenship.[120] At any rate, scattered evidence suggests that even in 403 it was conceivable to propose restriction of political rights to landowners and that only from 378/7 taxes were levied not only on landed but on all property.[121] It does not seem implausible, therefore, that in 462–450 agrarian wealth still set the standard for social status and military standing. That, apparently, the *telê* were never adjusted to changing patterns of wealth distribution helps explain why they were eventually ignored, but this too seems to have happened only in the fourth century.[122]

Finally, why was this legislation not remembered in its correct historical context but attributed to Solon? We should not forget how poorly we are informed about the details of Athenian domestic and constitutional developments. Fifth-century authors show remarkably little interest in constitutional history. We already mentioned the uncertainties surrounding Ephialtes' reforms. How much, apart from the most basic facts, do we really *know* about Cleisthenes' reforms? Extant information about legislation and developments between 462 and 432 is minimal and much debated; Pericles' citizenship law of 451/0 is a rare exception and its explanation is still a matter of intense debate. An important measure, the 'accusation of proposing an unconstitutional decree' (*graphê paranomôn*), can only be dated by a *terminus ante quem* in 415.[123] All this suggests that the Athenians themselves, once they got interested in such matters, must have had great difficulties in sorting them out. The timocratic system remained in use, but it was increasingly ignored;[124]

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[120] Metic status is strongly emphasized in Aeschylus' *Suppliants* of 463: Bakewell (1997); see generally Whitehead (1977). Citizenship: in Pericles' law of 451/0 (n. 112 above).

[121] See van Wees' contribution to this volume, p. 364. Lys. 34.3, reflecting the unsettled and irregular conditions of the end of the Peloponnesian War and its aftermath, does not seem to me to permit a general conclusion that by then large numbers of cavalry and hoplites owned no property.

[122] Rhodes (1981) 145–146; de Ste. Croix (2004) 40–46, 51–56; van Wees (this volume) p. 364.

[123] Hansen (1999) 205–212.

[124] See n. 122 above.

by the time historians asked about its origins, the context of its introduction was long forgotten. And so it shared the fate of many other laws that were attributed, falsely but plausibly, to Solon, who eventually became almost a mythical figure and a magnet, nearly to the same extent as Lycurgus did in Sparta. By the time the *Athênaiôn Politeia* was prepared in Aristotle's school, Solon's authorship was unquestioned.

Conclusion

We should accept de Ste. Croix' conclusion that Solon's census classes were based entirely on military functions and did not entail a quantitative assessment. Unlike de Ste. Croix, I suggest that quantitative assessments were added in the context of Ephialtes' or Pericles' reforms in 462–450 BCE. 4,000 Athenians settled in a large cleruchy on Euboea already after 506; thousands more acquired land abroad as a consequence of Athenian imperial policies. They qualified as hoplites even when the high quantitative assessment for zeugites was introduced. The existence of these cleruchs, who in many cases were absentee landlords, explains the large number of hoplites Athens could count on at the beginning of the Peloponnesian War. Even earlier, in the great Persian War battles, Athenian citizens living in Attica provided only about half of the Athenian hoplite force. These reduced numbers of "Attic" zeugites can, I think, be fitted well into the cultivable territory available in Attica. Van Wees' thesis of a split zeugite class, problematic for other reasons as well, thus proves unnecessary, and it does so even more if de Ste. Croix is right that a quantitative assessment never existed at all, except for the *pentakosiomedimnoi*.

My proposal to downdate to the mid-fifth century the fully elaborated "timocratic system", in which specific political functions were explicitly correlated with both military capacity and a property census, has the advantage of resolving other problems caused by this system's attribution to Solon: the *hippeis* as cavalry, the enormously high census limit for treasurers, and the explicit definition of the political function of the thetes as assemblymen. I am aware that this solution raises its own and perhaps insurmountable problems. But it has another advantage as well: it allows for historical development and adjustment to changing conditions.

Here it might be useful to think of a possible analogy with the "Servian" centuriate system in Rome. In its fully developed form, attributed

by the extant late sources to the sixth-century king Servius Tullius, this was a voting system based on several classes that were defined by decreasing qualifications in both property and military equipment. The numbers of voting units in each class clearly favored the 'horsemen' (*equites*) and the "first class" (equipped with the full hoplite panoply) that together were able to outvote all the rest. This alone suggests that initially this system was based on an army consisting of cavalry and hoplites alone. And indeed, the specific numbers of voting units and a note in an independent source support this assumption: the Roman citizens were initially divided into *equites, classis* ("the class" of hoplites) and those *infra classem* (beneath the class, who were not able to serve as hoplites). This simple system, distinguishing between the citizens who mattered because they contributed to the community's defense and thus also had the say in communal decision making, and those who did not matter in either respect, may well date to the sixth century. It was gradually expanded and elaborated, as military, economic, and political conditions changed, and perhaps reached its fully developed form only in the late fourth century. This long process was long forgotten by the time the earliest historians began to sort out oral traditions and a few surviving documents and to reconstruct a historical narrative of Rome's early history. As a result, the entire system was attributed to the semi-mythical reformer-king Servius Tullius, who (or whose time) was, at best, responsible only for its first phase.[125]

Is it implausible that something similar happened in Athens? Solon, confronted with a severe social and economic crisis, needed to find an immediate remedy for some urgent problems (such as debt and debt bondage), to prevent the recurrence of elite abuses, and to stabilize the community. He tried to achieve the latter by balancing aristocratic leadership (to which in the thinking of his time there existed no alternative) with a more formalized and powerful role of the assembly (that was probably supported by a new council) and greater involvement of the *dêmos*. Reflecting the significance of the recently institutionalized hoplite army, the citizen body was already divided into three classes: the elite, able to raise horses and use them in some military capacity (*hippeis*), those able to fight as hoplites (*zeugitai*) and those unable to do so (*thêtes*). Solon used these classes to define political (and probably some other) responsibilities: the *hippeis* were to provide leadership by holding high

[125] Livy 1.42–43 with Ogilvie (1965) 166–175; Gell. *N.A.* 6.13. See Ampolo (1988); Cornell (1995) 173–197; Forsythe (2005) 111–115.

office, while the *dêmos* of zeugites manned the assembly that made communal decisions (and perhaps held some minor offices). And the thetes? Even if some of them contributed as light-armed skirmishers, archers, or slingers to communal warfare, this happened in an informal, unorganized way. They were unable to match the social prestige attached to hoplite fighting.[126] Communally, they did not matter enough to have an individual voice. They were not excluded from the assembly, but they were not expected to speak or, I think, to vote. All this changed drastically only after the Persian Wars, when Athens' naval policies and the emergence of the empire brought about radically new conditions which justified both a new and fully active political role of the thetes and the full elaboration of the timocratic system mentioned in much later sources and falsely attributed to Solon.[127]

Solon, then, placed sovereignty and communal responsibility in the assembly of zeugites and leadership among the elite *hippeis*. His understanding of whom the *dêmos* should comprise and what the *dêmos*' function should be is not exactly the same as that of the designers of the Great Rhetra in Sparta (for example, Solon gave more responsibility to the individual citizen) but it is similar enough to justify my thesis, presented at the beginning of this chapter, that both socially and ideologically Solon's constitution and the Rhetra were quite comparable: they drew on the same set of values and conceptions, were based on the same classes of citizens, and were grounded in the same ideal of *eunomia*.

Bibliography

Almeida, J.A. 2003. *Justice as an Aspect of the Polis Idea in Solon's Political Poems.* Leiden.

Ampolo, C. 1988. La città riformata et l'organizzazione centuriata. In *Storia di Roma* I: *Roma in Italia*, eds. A. Momigliano and A. Schiavone, 203–239. Torino.

Anderson, G. 2003. *The Athenian Experiment: Building an Imagined Political Community in Ancient Attica, 508–490 BC.* Ann Arbor.

Andrewes A. 1938. Eunomia. *CQ* 32: 89–102.

Andrewes A. 1981. The Hoplite *Katalogos*. In *Classical Contributions: Studies…M.F. McGregor*, eds. G.S. Shrimpton and D.J. McCargar, 1–3. Locust Valley, NJ.

[126] Van Wees (1995), (2000) presents a different view. I shall discuss this elsewhere (Raaflaub 2006b).

[127] For a detailed discussion of these changed conditions and their political impact, see Raaflaub (1998a) and esp. (2006a).

Andrewes A. 1982. The Growth of the Athenian State. *CAH* III.3[2]: 360–391.
Bakewell, G.W. 1997. *Metoikia* in the *Supplices* of Aeschylus. *ClAnt* 16: 209–228.
Bekker-Nielsen, T., and Hannestadt, L., eds. 2001. *War as a Cultural and Social Force: Essays on Warfare in Antiquity*. Copenhagen.
Beloch, K.J. 1886. *Die Bevölkerung der griechisch-römischen Welt.* Leipzig. Reprint Rome, 1968.
Boedeker, D. 1993. Hero Cult and Politics in Herodotus: The Bones of Orestes. *Cultural Poetics in Archaic Greece*, eds. C. Dougherty and Leslie Kurke, 164–177. Cambridge.
Bowersock, G. 1968. Pseudo-Xenophon: Constitution of the Athenians. *Xenophon* VII: *Scripta minora*. Loeb Classical Library 183. London and Cambridge, MA.
Brunt, P.A. 1993. *Studies in Greek History and Thought.* Oxford.
Bugh, G.R. 1988. *The Horsemen of Athens*. Princeton.
Calame, C. 1990. *Thésée et l'imaginaire Athénien*. Lausanne.
Camp, J.M. 2001. *The Archaeology of Athens*. New Haven.
Cartledge, P. 2001. *Spartan Reflections*. London / Berkeley.
Connor, W.R. 1988. Early Greek Land Warfare as Symbolic Expression. *P&P* 119: 3–29.
Cornell, T.J. 1995. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 BC)*. London.
Davies, J.K. 1992. Greece after the Persian Wars. *CAH* V[2]: 15–33.
Dixon, K.R., and P. Southern. 1992. *The Roman Cavalry*. London.
Donlan, W. 1999. *The Aristocratic Ideal and Selected Papers*. Wauconda, IL.
Ehrenberg, V. 1940. Isonomia. *RE* suppl. 7: 293–301.
Ehrenberg, V. 1965. Eunomia. In *Polis und Imperium*, 139–158. Zürich.
Evans, J.A.S. 1987. Cavalry at the Time of the Persian Wars. *CJ* 82: 97–106.
Flaig, E. 2004. Der verlorene Gründungsmythos der athenischen Demokratie. Wie der Volksaufstand von 507 v. Chr. vergessen wurde. *HZ* 279: 35–61.
Figueira, T. 1985. The Theognidea and Megarian Society. In Figueira and Nagy (1985) 112–158.
Figueira, T. 1991. *Athens and Aigina in the Age of Imperial Colonization.* Baltimore.
Figueira, T. and Nagy, G., eds. 1985. *Theognis of Megara: Poetry and Polis*. Baltimore.
Fornara, C.W., ed. and tr. 1983. *Archaic Times to the End of the Peloponnesian War.* Second edition. Cambridge.
Forsythe, G. 2005. *A Critical History of Early Rome*. Berkeley.
Foxhall, L. 1997. A View from the Top: Evaluating the Solonian Property Classes. In Mitchell and Rhodes (1997) 113–136.
Franz, J.P. 2002. *Krieger, Bauern, Bürger. Untersuchungen zu den Hopliten der archaischen und klassischen Zeit.* Frankfurt am Main.
Frost, F. 1984. The Athenian Military before Cleisthenes. *Historia* 33: 283–294.
Gaebel, R.E. 2002. *Cavalry Operations in the Ancient Greek World.* Norman, OK.
Gschnitzer, F. 2001. Politische Leidenschaft im homerischen Epos. In *Kleine Schriften zum griechischen und römischen Altertum* I, 212–232. Stuttgart.
Hammer, D. 1998–1999. The Politics of the *Iliad. CJ* 94: 1–30.

Hammer, D. 2002. *The Iliad as Politics: The Performance of Political Thought.* Norman, OK.
Hansen, M.H. 1980. Seven Hundred Archai in Classical Athens. *GRBS* 21: 151–173.
Hansen, M.H. 1981. The Number of Athenian Hoplites in 431 BC. *SO* 56: 19–32.
Hansen, M.H. 1985. *Demography and Democracy: The Number of Athenian Citizens in the Fourth Century BC.* Herning.
Hansen, M.H. 1989. Solonian Democracy in Fourth-Century Athens. *C&M* 40: 71–99.
Hansen, M.H. 1999. *The Athenian Democracy in the Age of Demosthenes.* Expanded edition. Norman, OK.
Hanson, V.D. 1991. Hoplite Technology in Phalanx Battle. In *Hoplites: The Classical Greek Battle Experience*, ed. V.D. Hanson, 63–84. London.
Hanson, V.D. 1995. *The Other Greeks: The Family Farm and the Agrarian Roots of Western Civilization.* New York.
Hanson, V.D. 2001. Democratic Warfare, Ancient and Modern. In *War and Democracy: A Comparative Study of the Korean War and the Peloponnesian War*, eds. D.R. McCann and B.S. Strauss, 3–33. Armonk, NY.
Harvey, F.D. 1965. Two Kinds of Equality. *C&M* 26: 101–146.
Hignett, C. 1952. *A History of the Athenian Constitution to the End of the Fifth Century BC.* Oxford.
Hodkinson, S. 2000. *Property and Wealth in Classical Sparta.* London.
Hodkinson, S. and Powell, A., eds. 1999. *Sparta: New Perspectives.* London.
Hornblower, S. 1991. *A Commentary on Thucydides*, Vol. I: Books I–III. Oxford.
Hölkeskamp, K.-J. 1999. *Schiedsrichter, Gesetzgeber und Gesetzgebung im archaischen Griechenland.* Stuttgart.
Hunt, P. 1998. *Slaves, Warfare, and Ideology in the Greek Historians.* Cambridge.
Jackson, A. 1991. Hoplites and the Gods: The Dedication of Captured Arms and Armour. In *Hoplites: The Classical Greek Battle Experience*, ed. V.D. Hanson, 228–249. London.
Jaeger, W. 1966. *Five Essays.* Montreal.
Jannot, J.-R. 1985. Les cités étrusques et la guerre. Remarques sur la fonction militaire dans la cité étrusque. *Ktema* 10: 127–141.
Jenkins, I. 1994. *The Parthenon Frieze.* London and Austin, TX.
Jones, A.H.M. 1957. *Athenian Democracy.* Oxford.
Kennell, N. 1995. *The Gymnasium of Virtue: Education and Culture in Ancient Sparta.* Chapel Hill.
Krentz, P. 2002. Fighting by the Rules: The Invention of the Hoplite *Agôn. Hesperia* 71: 23–39.
Link, S. 2000. *Das frühe Sparta. Untersuchungen zur spartanischen Staatsbildung im 7. und 6. Jahrhundert v. Chr.* St. Katharinen.
Link, S. 2003. Eunomie im Schoss der Rhetra? Zum Verhältnis von Tyrt. frgm. 14 W und Plut. Lyk. 6, 2 und 8. *Göttinger Forum für Altertumswissenschaft* (www.gfa.d-r.de) 6: 141–150.
Lissarrague, F. 1990. *L'autre guerrier. Archers, peltastes, cavaliers dans l'imagerie attique.* Paris.

Luraghi, N. 2002. Helotic Slavery Reconsidered. In *Sparta: Beyond the Mirage*, eds. A. Powell and S. Hodkinson, 227–248. London.
Meier, C. 1970. *Entstehung des Begriffs 'Demokratie'*. Frankfurt am Main.
Meier, C. 1990. *The Greek Discovery of Politics*. Transl. D. McLintock. Cambridge, MA.
Meier M. 1998. *Aristokraten und Damoden. Untersuchungen zur inneren Entwicklung Spartas im 7. Jahrhundert v. Chr. und zur politischen Funktion der Dichtung des Tyrtaios*. Stuttgart.
Meier M. 2002. Tyrtaios fr. 1^B G/P bzw. fr. 14 G/P (= fr. 4 W) und die grosse Rhetra—kein Zusammenhang? *Göttinger Forum für Altertumswissenschaft* (www.gfa.d-r.de) 5: 65–87.
Meiggs, R. and D. Lewis, eds. 1988. *A Selection of Greek Historical Inscriptions to the End of the Fifth Century B.C.* Revised edition. Oxford.
Millett, P. 1984. Hesiod and His World. *PCPhS* n.s. 30: 84–115.
Mitchell, L. and Rhodes, P.J., eds. 1997. *The Development of the Polis in Archaic Greece*. London.
Morris, I. 1996. The Strong Principle of Equality and the Archaic Origins of Greek Democracy. In Ober and Hedrick (1996) 19–48.
Morris, I. 2000. *Archaeology as Cultural History: Words and Things in Iron Age Greece*. Malden, MA / Oxford.
Morris, I. and K. Raaflaub, eds. 1998. *Democracy 2500? Questions and Challenges*. Dubuque, IA.
Mülke, C. 2002. *Solons politische Elegien und Iamben (Fr. 1–13, 32–37 West): Einleitung, Text, Übersetzung und Kommentar*. Leipzig.
Munn, M. 2000. *The School of History: Athens in the Age of Socrates*. Berkeley.
Murray, O. 1993. *Early Greece*. Second edition. Cambridge, MA.
Nafissi, M. 1991. *La nascita del kosmos: Studi sulla storia e la società di Sparta*. Napoli.
Nagy, G. 1985. Theognis and Megara: A Poet's Vision of His City. In Figueira and Nagy (1985) 22–81.
Ober, J. and Hedrick, C., eds. 1996. *Dêmokratia: A Conversation on Democracies, Ancient and Modern*. Princeton.
Ogilvie, R.M. 1965. *A Commentary on Livy, Books 1–5*. Oxford.
Ostwald, M. 1969. *Nomos and the Beginnings of Athenian Democracy*. Oxford.
Ostwald, M. 1986. *From Popular Sovereignty to the Sovereignty of Law*. Berkeley.
Patterson, C. 1981. *Pericles' Citizenship Law of 451–450 B.C.* New York.
Pritchett, W.K. 1971–1991. *The Greek State at War*. 5 vols. Berkeley.
Raaflaub, K. 1996. Equalities and Inequalities in Athenian Democracy. In Ober and Hedrick (1996) 139–174.
Raaflaub, K. 1997a. Citizens, Soldiers, and the Evolution of the Early Greek Polis. In *The Development of the Polis in Archaic Greece*, eds. L. Mitchell and P.J. Rhodes, 49–59. London.
Raaflaub, K. 1997b. Politics and Interstate Relations in the World of Early Greek Poleis: Homer and Beyond. *Antichthon* 31: 1–27.
Raaflaub, K. 1998a. Power in the Hands of the People: Foundations of Athenian Democracy; The Thetes and Democracy. In Morris and Raaflaub (1998) 31–66, 87–103.
Raaflaub, K. 1998b. The Transformation of Athens in the Fifth Century. In

Democracy, Empire, and the Arts in Fifth-Century Athens, eds. D. Boedeker and K.A. Raaflaub, 15–41, 348–357. Cambridge, MA.

Raaflaub, K. 2001. Political Thought, Civic Responsibility, and the Greek Polis. In *Agon, Logos, Polis: The Greek Achievement and Its Aftermath*, eds. J.P. Arnason and P. Murphy, 72–117. Stuttgart.

Raaflaub, K. 2004. *The Discovery of Freedom in Ancient Greece*. Chicago.

Raaflaub, K. 2006a. The Breakthrough of *dēmokratia* in Mid-Fifth-Century Athens. Forthcoming in Raaflaub et al. (2006).

Raaflaub, K. 2006b. Homerische Krieger, Proto-Hopliten und die Polis: Schritte zur Lösung alter Probleme. Forthcoming in *Krieg, Gesellschaft, Institutionen. Kriegführung und Kultur in der Antike*, eds. B. Meissner, O Schmitt, and M. Sommer. Berlin.

Raaflaub, K. and R.W. Wallace. 2006. 'People's Power' and Egalitarian Trends in Archaic Greece. Forthcoming in Raaflaub et al. (2006).

Raaflaub, K., Ober, J. and R.W. Wallace. 2006. *Origins of Democracy in Ancient Greece*. With chapters by P. Cartledge and C. Farrar. Berkeley.

Raubitschek, A.E., ed. 1949. *Dedications from the Athenian Acropolis*. Cambridge MA.

Rhodes, P.J. 1972. *The Athenian Boule*. Oxford.

Rhodes, P.J. 1981. *A Commentary on the Aristotelian* Athenaion Politeia. Oxford.

Rhodes, P.J. transl. 1984. *Aristotle, The Athenian Constitution*. Harmondsworth.

Rosivach, V. 2002. *Zeugitai* and Hoplites. *AHB* 16: 33–43.

Ruschenbusch, E. 1958. *Patrios Politeia*: Theseus, Drakon, Solon und Kleisthenes in Publizistik und Geschichtsschreibung des 5. und 4. Jh. v. Chr. *Historia* 9: 129–154.

Ryan, F. 1994. Areopagite Domination and Prytanies. *AC* 63: 251–252.

Ryan, F. 2002. Die Zeugiten und das Archontat. *REA* 104: 5–9.

Ste. Croix, G.E.M. de. 2004a. *Athenian Democratic Origins and Other Essays*. Eds. D. Harvey and R. Parker. Oxford.

Ste. Croix, G.E.M. de. 2004b. The Solonian Census Classes and the Qualifications for Cavalry and Hoplite Service. In de Ste. Croix (2004a) 5–72.

Samons, L.J. II. 2000. *Empire of the Owl: Athenian Imperial Finance*. Stuttgart.

Snodgrass, A.M. 1964. *Early Greek Armour and Weapons from the End of the Bronze Age to 600 B.C.* Edinburgh.

Spence, I. 1993. *The Cavalry of Classical Greece: A Social and Military History*. Oxford.

Stahl, M. 1992. Solon F 3D. Die Geburtsstunde des demokratischen Gedankens. *Gymnasium* 99: 385–408.

Stein-Hölkeskamp, E. 1989. *Adelskultur und Polisgesellschaft: Studien zum griechischen Adel in archaischer und klassischer Zeit*. Stuttgart.

Talbert, R. 1988. *Plutarch on Sparta*. Harmondsworth.

Tandy, D.W., and W.C. Neale. 1996. *Hesiod's* Works and Days: *A Translation and Commentary for the Social Sciences*. Berkeley.

Thalmann, W.G. 1988. Thersites: Comedy, Scapegoats, and Heroic Ideology in the Iliad. *TAPhA* 118: 1–28.

Thommen, L. 1996. *Lakedaimonion Politeia: Die Entstehung der spartanischen Verfassung*. Stuttgart.

Ungern-Sternberg. J. von. 1985. Das Grab des Theseus und andere Gräber. In *Antike in der Moderne*, ed. W. Schuller, 321–329. Konstanz.

Vlastos, G. 1946. Solonian Justice. *CPh* 41: 65–83. Repr. in Vlastos (1995) 32–56.

Vlastos, G. 1953. Isonomia. *AJPh* 74: 337–366. Repr. in Vlastos (1995) 89–111.

Vlastos, G. 1965. *Isonomia politikē.* In *Isonomia: Studien zur Gleichheitsvorstellung im griechischen Denken*, eds. J. Mau and E.G. Schmidt, 1–35. Berlin. Repr. in Vlastos, *Platonic Studies*, 164–203. Princeton 1981.

Vlastos, G. 1995. *Studies in Greek Philosophy* I, ed. D.W. Graham. Princeton.

Wallace, R.W. 1998. Solonian Democracy. In Morris and Raaflaub (1998) 11–29.

Wallace, R.W. 2006. Revolution and A New Order in Solonian Athens. Forthcoming in Raaflaub et al. (2006).

Walter, U. 1993. *An der Polis teilhaben. Bürgerstaat und Zugehörigkeit im Archaischen Griechenland.* Stuttgart.

van Wees, H. 1992. *Status Warriors: War, Violence and Society in Homer and History.* Amsterdam.

van Wees, H. 1994. The Homeric Way of War: The Iliad and the Hoplite Phalanx. *G&R* 41: 1–18, 131–155.

van Wees, H. 1995. Politics and the Battle Field: Ideology in Greek Warfare. In *The Greek World*, ed. A. Powell, 153–178. London.

van Wees, H. 1996. Heroes, Knights and Nutters: Warrior Mentality in Homer. In *Battle in Antiquity*, ed. A.B. Lloyd, 1–86. London.

van Wees, H. 1997. Homeric Warfare. In *A New Companion to Homer*, eds. I. Morris and B. Powell, 668–693. Leiden / Boston.

van Wees, H. 1999. Tyrtaeus' *Eunomia:* Nothing to Do with the Great Rhetra. In Hodkinson and Powell (1999) 1–41.

van Wees, H. 2000. The Development of the Hoplite Phalanx: Iconograpy and Reality in the Seventh Century. In *War and Violence in Ancient Greece*, ed. H. van Wees, 125–166. London.

van Wees, H. 2001. The Myth of the Middle-Class Army: Military and Social Status in Ancient Athens. In Bekker-Nielsen and Hannestadt (2001) 45–71.

van Wees, H. 2002. Gute Ordnung ohne Grosse Rhetra—Noch einmal zu Tyrtaios' *Eunomia.* Göttinger *Forum für Altertumswissenschaft* (www.gfa.d-r.de) 5: 89–103.

van Wees, H. 2004. *Greek Warfare: Myths and Realities.* London.

Welwei, K.-W. 1974. *Unfreie im antiken Kriegsdienst* I: *Athen und Sparta.* Wiesbaden.

Welwei, K.-W. 1992. *Athen. Vom neolithischen Siedlungsplatz zur archaischen Grosspolis.* Darmstadt.

Welwei, K.-W. 2000. *Polis und Arché. Kleine Schriften zu Gesellschafts- und Herrschaftsstrukturen in der griechischen Welt*, ed. M. Meier. Stuttgart.

Welwei, K.-W. 2004. Orestes at Sparta: The Political Significance of the Grave of the Hero. In *Spartan Society*, ed. T. Figueira, 219–230. Swansea.

West, M.L. 1974. *Studies in Greek Elegy and Iambus.* New York.

Whitehead, D. 1977. *The Ideology of the Athenian Metic. Proceedings of the Cambridge Philological Society*, Supp. 4. Cambridge.

Whitehead, D. 1981. The Archaic Athenian *zeugitai. CQ* 31: 282–286.

Worley, L.J. 1994. *Hippeis: The Cavalry of Ancient Greece.* Boulder, CO.

CHAPTER SEVENTEEN

PLUTARCH'S *SOLON*: A TISSUE OF COMMONPLACES OR A HISTORICAL ACCOUNT?

Lukas de Blois

In the title of my paper there are two problematic concepts: commonplace and historical reality.[1] Commonplaces are here regarded as a literary device, which can indirectly reveal an author's views and areas of interest. The whole complex of *loci communes*, which Second Sophistic authors such as Plutarch used and applied, was not just a classroom tradition, devoid of any connection with historical reality. It was a means employed by rhetoricians, writers and their audiences to get a grasp on and to interpret complex realities. Facts, connections and actions were over- and underexposed, placed in traditional frames of reference or anachronistically labelled. In the period of the Second Sophistic traditional complexes of commonplaces started to be laid down in manuals, such as Menander's *Peri Epideiktikôn*, which was written at the end of the third century AD.[2]

The other concept is historical reality. In Plutarch's political biographies descriptions of historical events and developments are intertwined with traditional commonplaces and frequently described in a selective and slightly anachronistic way, in a language and conceptual framework that contemporary audiences could understand and apply to their own situations. But even so Plutarch is a fairly reliable spokesman. He did not write fiction, nor did he fill gaps in his sources with fabrication. He is not always very accurate in details of geography or chronology and he presents events or situations, which he uses in different *Lives*—for example in Late Republican Roman biographies—in varying ways, but he does not manipulate the factual *fundamenta* of his stories, only the *exaedificatio*, the rhetorical superstructure that he builds upon such

[1] I owe thanks to Josine Blok, André Lardinois, the reader for the press and Christopher Pelling, who kindly read through this paper. Plutarch's works are cited from the Teubner editions of the *Lives* (Ziegler 1964–1980) and the *Moralia* (Pohlenz et al. 1925–1978). Translations are based on the Loeb Classical Library editions of Plutarch's works.

[2] See De Blois (1998) 3394.

fundamenta.[3] In this respect Plutarch is not very far removed from good ancient Greek and Roman historians.[4] Plutarch was a learned, erudite writer. Kurt Ziegler observes that Plutarch quotes or cites 111 Greek and 40 Latin writings, at 500 and 130 places in his works respectively.[5] Some of the texts that Plutarch mentions—such as works by Thucydides and Livy—can be checked and show us that Plutarch scrupulously used information, which he found in his sources and considered basic factual material. Plutarch often used one text as his main source, supplying the material that he found there with data from other sources.[6]

Ethics and moralism form yet another important aspect of Plutarch's *Lives*. Christopher Pelling and Philip Stadter have recently argued that Plutarch's *Lives* do not in fact convey any moral messages that his audience did not already know, so that their chief effect will have been to reinforce their moral understanding, making readers more sensitive to moral behaviour and more aware of nuances of actions, in a manner similar to the effect of tragedy on the spectator.[7]

Plutarch did not consider himself a historian. In the introduction to the *Parallel Lives of Alexander and Caesar* Plutarch remarks (*praef.*, par. 1.2):

> It is not *Histories* that I am writing, but *Lives;* and in the most illustrious deeds there is not always a manifestation of virtue or vice, nay a slight thing like a phrase or jest often makes a greater revelation of character than battles where thousands fall, or the greatest armaments, or sieges of cities.[8]

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[3] The terms *fundamenta* and *exaedificatio* are borrowed from Cicero, *De oratore* 2 (15) 63.

[4] Pelling (1990/2002) 152–153; idem (1992/2002) 117–118, 161.

[5] Ziegler (1951) 911. Cf. Helmbold & O'Neil (1959) *passim.*

[6] See Pelling (1979/2002); idem (1980/2002); idem (1992/2002) and idem (1990/2002).

[7] See Pelling (1995/2002) 205–220; Stadter (2000) 493. Cf. *Aemilius—Timoleon, praef.* 1.1–2: 'I began the writing of my *Lives* for the sake of others, but I find that I am continuing the work and delighting in it now for my own sake also, using history as a mirror and endeavouring in a manner to fashion and adorn my life in conformity with the virtues therein depicted. For the result is like nothing else than daily living and associating together, when I receive and welcome each subject of my history in turn as my guest, so to speak, and observe carefully 'how large he was and of what mean' (*Iliad* 24.630), and select from his career what is most important and most beautiful to know.' Plutarch insists on the moral purposes of his biographical activity also in *Alexander* 1.1–3, *Nicias* 1.5, *Pericles* 1.4–2.4. For a thorough discussion of these (and some other) passages see Duff (1999) 14–42.

[8] οὔτε γὰρ ἱστορίας γράφομεν, ἀλλὰ βίους, οὔτε ταῖς ἐπιφανεστάταις πράξεσι πάντως ἔνεστι δήλωσις ἀρετῆς ἢ κακίας, ἀλλὰ πρᾶγμα βραχὺ πολλάκις καὶ ῥῆμα καὶ παιδιά τις ἔμφασιν ἤθους ἐποίησε μᾶλλον ἢ μάχαι μυριόνεκροι καὶ παρατάξεις αἱ μέγισται καὶ πολιορκίαι πόλεων (Plutarch, *Alexander—Caesar, praef.* 1.2).

We should put this passage into perspective, though. Plutarch may not be speaking here about all his *Lives*, but just about the pair *Alexander-Caesar*, and, for that matter, did most ancient historiographers do anything else? Momigliano thought they did, but Christopher Pelling rightly criticizes and nuances his view.[9]

Stereotypes, commonplaces and models, which Plutarch applies in his Greek and Roman *Lives* and his political treatises, recur in his *Solon*. This *Life* gave Plutarch ample opportunity to insert traditional commonplaces, characteristic anecdotes and edifying stories, because not much was known about the historical Solon. Herodotus considers Solon one of the seven wise men and introduces him as a clever interlocutor of king Croesus (Herodotus 1.29ff.), but he does not tell much about Solon's policies or legislation. Thucydides does not give any information at all. This may indicate that already in the fifth century BC there was not much information available about this Athenian statesman or that he was not considered an important statesman. Solon may have been a somewhat more tangible figure than the Spartan reformer Lycurgus, if only because Solonian poetry was still extant and Athens wrote down more of its collective memory than Sparta did. In the first chapters of his *Solon*, bringing forward some significant anecdotes, Plutarch shows what type of statesman Solon was to be. In his youth Solon lived the life of a not very rich, but well educated gentleman of his age, who had love affairs, travelled around as a merchant, and went to war. To enhance Solon's reputation and set the tone for later chapters, Plutarch stresses Solon's relations with the most reputed wise men and lawgivers of his age, to whose circle he rightfully belonged.

The first stereotype or commonplace we should discuss is that of Plutarch's statesman. Plutarch's biographies exclusively describe the lives of statesmen and politicians. In Plutarch's opinion politics is an essential human activity, a way of life more than a profession or function. In *An seni* 791C he says:

> … for engaging in public affairs is not a special service which is ended when the need ends, but it is a way of life of a tamed social animal living in an organised society, intended by nature to live throughout its allotted time the life of a citizen and in a manner devoted to honour and the welfare of mankind.[10]

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[9] See Pelling (2002) 143. Cf. Momigliano (1993) 56.

[10] λειτουργία γὰρ οὐκ ἔστιν ἡ πολιτεία τὴν χρείαν ἔχουσα πέρας, ἀλλὰ βίος ἡμέρου καὶ

According to Plutarch, politics forms part of ethics, and political *aretê*, based on correct philosophical insights, occupies a central place. Philosophy, as a law implanted in the ruler, neutralizes the moral risks involved in the exercise of power (*Ad princ.* 779F; 780C; *Max. c. princ.* 779B).[11] Which philosophy? Plutarch may be regarded as an adherent of the classical philosophy of the Academy and the Lyceum, although he drew his philosophical insights more from the works of Plato than from those of Aristotle.[12]

In Plutarch's political treatises a good statesman is someone who makes his entry into public life out of the right philosophical choice (*prohairesis, Praec.* 798C) and with a good education: he does so in order to serve the public interest, and not by accident or out of ambition and a desire for profit (*Praec.* 798C–799A). He starts his career in a calm, sound manner and does not abruptly attract attention with a spectacular deed (*Praec.* 804C–806E). He is a virtuous person, also in his private life, and has put his house in order (*Praec.* 800C–801B), so that he serves as an example to other people and inspires confidence by his way of life. He is not poor: in *Aristides* 1.1–3 and *Solon* 2.1 Plutarch clearly feels embarrassed about his heroes' lack of wealth. In Plutarch's political treatises the statesman knows how to delegate tasks sensibly; he treats his colleagues with respect and grants his friends opportunities and advantages without being corrupt (*Praec.* 806F–809B; 816A–817C; 819B–D; 823A–E). A good statesman is on his guard against extravagant honours, but draws strength from the *erôs* that his *aretê* inspires in the people. He cultivates *homonoia* in the community (*Praec.* 823F–825F). Plutarch knew very well that a statesman needed more than philosophy, virtue and good behaviour to rule with success. He should be able to work on his people, softening and changing its mood before introducing political reforms, persuade his people to the right course of action,[13] and devise tricks and apply force, when needed. Plutarch's paradigm was not Plato or his pupil Dion of Syracuse or another philosopher, but the legendary Spartan reformer Lycurgus, who had done all this. In his *Life* of this hero, 31.1f., Plutarch says:

κοινωνικοῦ καὶ πολιτικοῦ ζῴου καὶ πεφυκότος ὅσον χρὴ χρόνον πολιτικῶς καὶ φιλοκαλῶς καὶ φιλανθρώπως ζῆν (*An seni* 791C).

[11] A new—more sceptical—discussion is now to be found in Van Raalte (2004) 75–113. In her view Plutarch valued persuasive eloquence more than philosophy as a quality of a good statesman.

[12] See Aalders & De Blois (1992) 3384–3404; Hershbell. (2004) 151–162.

[13] See Van Raalte (2004) 103–110 ('Politics and the Power of Persuasion').

> It was not the chief design of Lycurgus then to leave his city in command over a great many others, but he thought that the happiness of an entire city, like that of a single individual, depended on the prevalence of virtue and concord within its own borders. The aim, therefore, of all his arrangements and adjustments was to make his people free-minded, self-sufficing, and moderate in all their ways, and to keep them so as long as possible. His design for a civil polity was adopted by Plato, Diogenes, Zeno and by all those who have won approval for their treatises on this subject, although they left behind them only writings and words. Lycurgus, on the other hand, produced not writings and words, but an actual constitution which was beyond imitation, and because he gave … an example of an entire city given to the love of wisdom, his fame rightly transcended that of all who ever founded constitutions among the Greeks.[14]

We see here that Plutarch shared Plato's scepticism about the effectiveness of the written word and written laws, Solon's laws included, to deal with an unwilling, wrongly oriented population.[15] A mental reorientation was a much more important guarantee for the success of sound political reform than the force of the written word, and such a reorientation was what Lycurgus brought about in Sparta, according to Plutarch.

And what about Solon? Plutarch ascribes to Solon a good *paideia* and a kind of philosophical *prohairesis*. Like Herodotus (1.29ff.) he accentuates his role as one of the wise men of his times. In *Solon* 3.4, Plutarch remarks that in philosophy Solon cultivated chiefly the domain of political ethics, like most of the wise men of the time. However, Plutarch had some misgivings. In a recently published paper Christopher Pelling rightly observes:

[14] Οὐ μὴν τοῦτό γε τῶι Λυκούργῳ κεφάλαιον ἦν τότε, πλείστων ἡγουμένην ἀπολιπεῖν τὴν πόλιν· ἀλλ' ὥσπερ ἑνος ἀνδρὸς βίῳ καὶ πόλεως ὅλης νομίζων εὐδαιμονίαν ἀπ' ἀρετῆς ἐγγίνεσθαι καὶ ὁμονοίας τῆς πρὸς αὑτήν, πρὸς τοῦτο συνέταξε καὶ συνήρμοσεν, ὅπως ἐλευθέριοι καὶ αὐτάρκεις γενόμενοι καὶ σωφρονοῦντες ἐπὶ πλεῖστον χρόνον διατελῶσι. ταύτην καὶ Πλάτων ἔλαβε τῆς πολιτείας ὑπόθεσιν καὶ Διογένης καὶ Ζήνων, καὶ πάντες ὅσοι τι περὶ τούτων ἐπιχειρήσαντες εἰπεῖν ἐπαινοῦνται, γράμματα καὶ λόγους ἀπολιπόντες μὸνον. ὁ δ' οὐ γράμματα καὶ λόγους, ἀλλ' ἔργωι πολιτείαν ἀμίμητον εἰς φῶς ἐξενεγκάμενος, καὶ τοῖς ἀνύπαρκτον εἶναι… ὅλην πόλιν φιλοσοφοῦσαν, εἰκότως ὑπερῆρε τῇ δόξῃ τοὺς πώποτε πολιτευσαμένους ἐν τοῖς Ἕλλησι (Plutarch, *Lycurgus* 31.1–2).

[15] On scepticism about the effectiveness of the written word see Plutarch, *Solon* 5.2–4 (Solon's encounter with Anacharsis); *Comp. Sol.- Popl.*3.4; cf. Plato, *Phaedr.* 274b–277a; *Protag.* 329a; *Leges* 968de and the *Seventh Platonic Epistle* 344c–e. See Zadorojnyi (2004) 125, with notes 52 and 53.

> [In Plutarch's biography] Solon is a wise man, and one who famously never ceased to learn as he grew old (*Solon* 2.2; 31.7). There is an emphasis on wisdom in Plutarch's *Solon*—it is interesting how many other wise figures crop up in this *Life*, Thales, Periander, Lycurgus, Pittacus, and more—but there is very little on where he gets his wisdom from. Surprisingly, for instance, there is less on what Solon learnt from his journeys, despite the early emphasis at *Solon* 2.1–2, than there is in the equivalent treatment of Lycurgus' travelling (*Lycurgus* 4). We hear only that his trading experience gave him a certain loucheness of lifestyle and vulgarity in the way he describes his pleasures (3.1)—not at all the emphasis one might expect.[16]

Besides, only later in life did Solon introduce philosophy into his poetry (*Solon* 3.3). Solon's philosophical quality was second rate, not of the highest level.

Other aspects of Plutarch's statesman, as presented previously, recur in his *Life of Solon* too. According to Plutarch, Solon restored his family's estate and put his house in order before entering the political stage (*Solon* 2–3). He gained political primacy by a spectacular victory at Salamis, in which he applied some devious tricks and stratagems (*Solon* 8–9), but he did not become powerful in a wrong or demagogic way. So this was good enough. In his policies and his legislation Plutarch's Solon cleverly tried to mediate between the rich and the masses of the poor, to forestall *stasis* and tyranny, to free citizens from unjust slavery by his *seisachtheia*, and to promote *homonoia*, though without long term success, because of the wrong attitude of mind of the masses and the scheming of politicians such as Megacles and Pisistratus (*Solon* 13–16). Plutarch rather vaguely criticizes the way in which some of Solon's friends behaved, telling us that they unlawfully profited by advance knowledge of the cancellation of debts and borrowed large sums to buy land (*Solon* 15.6). Again, Plutarch does not rate Solon as a statesman of the highest quality, more as a clever politician with temporary, short-lived success.

Prominent among Plutarch's standard topics, in his *Lives* as well as his political treatises, and also in his *Life of Solon*, was the interaction between the *dêmos* and its leaders. In Plutarch's political treatises a good statesman is a dignified speaker and not a demagogue who stirs up the masses (*Praec.* 801C–804C; 819EF). He grants the people some amuse-

[16] Pelling (2004) 98.

ment without spoiling it with too frequent games and distributions as demagogues and mob flatterers do (*An seni* 788C; 794C; 796EF; *Praec.* 819F–822A). A good statesman always has to persuade, calm down and guide fickle mobs, the *dêmos* of Athens being one of the most dangerous of these. In all biographies of Athenian statesmen the *dêmos* is a main actor and the interaction between leaders and people is a crucial theme. The *dêmos* follows Themistocles, to the detriment of Aristides, a much wiser and better man, according to Plutarch. Besides, Plutarch briefly remarks, Aristides was an admirer of the Spartan reformer Lycurgus, the best statesman he knew (Plutarch, *Arist.* 2.1). The Athenian citizenry scares Pericles, although he was—like Demosthenes—one of the very few leaders who knew how to guide the Athenian *dêmos*. The Athenian *ekklêsia* loves and applauds Alcibiades, in spite of all his irresponsible behaviour, but sends him into exile with equal frivolity. In Plutarch's *Life of Solon* the Athenian citizenry has a wrong attitude, seeking material gain, and a redistribution of land and wealth. Besides in Plutarch's Solon the *dêmos* seems to be prone to tyranny. Solon is too astute to become tyrant himself, but he cannot stop the rise to sole rule of Pisistratus.

Again, Plutarch's Solon is not a first rate statesman. He did not succeed in changing for the better the mentality of the Athenian citizens. Plutarch thought that politicians who were aiming at good political reform had to change the mentality of their peoples first. In previous papers I have tried to demonstrate that this is an important Plutarchan standard topic and a Platonic aspect of his work.

Plutarch's model statesman Lycurgus was successful in doing this in Sparta. Before starting his reforms Lycurgus went to Crete, where he studied the various forms of government and made the acquaintance of some distinguished men. He invited one of them, the lyric poet and musician Thales, to come to Sparta and soften and improve the mentality of the Spartan citizens by his measured rhythms (*Lycurgus* 4.1–2). In this way he was successful in preparing sound political reform by changing the mood of the Spartan *dêmos*.

In 367 to 354 BC Plato and his pupil Dion were less successful in Syracuse. In 367 they tried to prepare the court of the Syracusan tyrant Dionysius II in vain to the introduction of Platonic reform by a training in philosophy. These lessons on philosophy were preceded by a course in mathematics, which, according to Plutarch, filled the tyrant's palace with dust (*Dion* 13.4). In 361 they were not successful either. The Syracusan tyrant and his *dêmos* maintained their wrong, materialistic, vio-

lent orientation and so were unsuitable for Platonic reform.[17] Dion's philosophical *prohairesis* was impeccable, but he failed because he did not change the mood of the people nor gave in to their wishes. In 357 BC he took Syracuse with a small band of mercenaries, greatly helped by the support of the Syracusan people. He did not want to apply force in internal Syracusan politics, strove in a Platonic way for reconciliation and *homonoia*, in order to prepare the Syracusan *dêmos* for Platonic reforms, did not cancel any debts nor redistribute land, lost popular support, consequently became an ordinary military tyrant and went under (357–354 BC). A few decades later (344–336 BC) Timoleon adroitly avoided such problems. He gave the people of Syracuse what it wanted, a redistribution of land and houses, forcefully drove away all tyrants from Greek Sicily and brought back prosperity.[18] He did not have any philosophical *prohairesis* to speak of, but he was successful because he adapted his political agenda to the preferences of the Syracusan citizenry.

According to Plutarch, Solon did so too. In his *Life of Solon* 22.3, speaking about crafts and trades, the author tells us explicitly that Solon adapted his laws to the situation rather than the situation to his laws.[19] Solon could not change the mentality of the Athenian masses, not even with the assistance of a wise man who had been summoned by the Athenians themselves. In *Solon* 12.4 Plutarch says:

> Under these circumstances (i.e. after the Cylon-affair) they summoned to their aid from Crete Epimenides of Phaestus … He was reputed to be a man beloved of the gods, and endowed with a mystical and heaven-sent wisdom in religious matters … . On coming to Athens he made Solon his friend, assisted him in many ways, and paved the way for his legislation.[20]

Using the aid of a wise man from Crete to change the mentality of the citizens, Solon acted as Lycurgus had done before, but with only very temporary success. In *Solon* 5, 13 and 15 Plutarch speaks about the wrong attitude of the Athenian *dêmos*, which continued after

[17] See De Blois (1978) 118–131; idem (1997) and (1999).

[18] See Talbert (1974); De Blois (1978) 132–143; idem (1997) 220–223 and (2000) 131–139; Teodorsson (2004) 215–226.

[19] Σόλων δὲ τοῖς πράγμασι τοὺς νόμους μᾶλλον ἢ τὰ πράγματα τοῖς νόμοις προσαρμόζων (Plutarch, *Solon* 22.3).

[20] οὕτω δὴ μετάπεμπτος αὐτοῖς ἧκεν ἐκ Κρήτης Ἐπιμενίδης ὁ Φαίστιος, … ἐδόκει δέ τις εἶναι θεοφιλὴς καὶ σοφὸς περὶ τὰ θεῖα τὴν ἐνθουσιαστικὴν καὶ τελεστικὴν σοφίαν, … ἐλθὼν δὲ καὶ τῷ Σόλωνι χρησάμενος φίλῳ πολλὰ προϋπειργάσατο καὶ προωδοποίησεν αὐτῷ τῆς νομοθεσίας (Plutarch, *Solon* 12.7).

Epimenides' actions. But Solon adapted and did not become a tragic philosophically imbued politician who opposed popular preferences and went under. In this respect he was more a forerunner of Timoleon than of Dion.

So in his *Solon* too Plutarch applied three of his favourite *loci communes*: the good statesman, the interaction between leaders and *dêmos*, and the right preparation of the attitude of the masses, which had to precede sound political reform. Should we consequently conclude that this Plutarchan biography does not contain much reliable information and can only in a very restricted way be used as a source for the reconstruction of Solon's career, his reforms, and historical developments in Solonian Athens? In my view such a conclusion would be exaggerated. Even when Plutarch constructed his image of Solon in a rather stereotypical way, using complexes of commonplaces, he undoubtedly used factual information that he found in his sources in a quite scrupulous way, as he always did.[21]

Which sources could Plutarch have used? Certainly Solon's poetry, which he explicitly quotes. Besides, I presume, Herodotus' *Histories* and Aristotelian political treatises, which he knew very well,[22] and also Athenian chronicles and historical works that he cites but which are no longer extant. One example: in 1.29 Herodotus tells us that Solon went abroad for ten years after having given laws to the Athenians, who had invited him to do so and had taken an oath not to change the laws on their own initiative within the next ten years. In this way Solon avoided being constrained to abolish or change some of his laws himself. The Athenian statesman may have spoken about it in one of his own poems (fr. 7). In *Ath. Pol.* 11.1 we read that Solon, after having given his *politeia*, went to Egypt, telling the Athenians that he would be travelling during the next ten years. Quite a few people had come to him, asking him to change some of his rulings. He did not want to change his laws, however, and did not wish to come into conflict because of this either, so the best thing to do was to get out of Athens. In *Solon* 25.4f. Plutarch tells us:

> No sooner were the laws of Solon put into operation than some would come to him every day with praise or censure of them, or with advice to insert something into the documents, or take something out. Very numerous too were those who came to him with inquiries and questions

[21] See above, pp. 429–430.
[22] See Aalders & De Blois (1992) 3397–3399.

> about them, urging him to teach and make clear to them the meaning and purpose of each several item. He saw that to do this was out of the question, and that not to do it would bring odium upon him, and wishing to be wholly rid of these perplexities and to escape from the captiousness and censoriousness of the citizens (for 'in great affairs', as he says himself, 'it is difficult to please all'),[23] he made his ownership of a vessel an excuse for foreign travel, and set sail, after obtaining from the Athenians leave of absence for ten years. In this time he hoped they would be accustomed to his laws.[24]

In this passage there is much more rhetorical *exaedificatio* and *exornatio* than in either Herodotus or *Athênaiôn Politeia*, and we can see the leader-*dêmos* stereotype in working order,[25] but Plutarch sticks to the basic facts, which are also mentioned by Herodotus and *Athênaiôn Politeia*, and tells us about Solon's main motive for travelling abroad.

To sum up: at least three important, frequently applied Plutarchan complexes of commonplaces and stereotypes decisively influence this author's *Life of Solon:* the good statesman, the interaction between leaders and *dêmos*, and the right mental preparation of masses, which should precede sound political reform. On all three topics Solon comes out second best, not as an ideal, philosophically oriented statesman, or as a successful reformer such as Lycurgus, who created a durable good state, but as a relatively wise, adroit, clever politician who adapts his political agenda to the wishes of the citizenry. His success was not durable, but to a large extent temporary. He allegedly lived long enough to see the tyranny of Pisistratus, who, however, did not completely abolish Solon's laws (*Solon* 29–32). So some part of Solon's work had a more lasting success. Plutarch integrated these complexes of stereotypes and commonplaces and some significant anecdotes, which reveal Solon's *êthos*,

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[23] Solon fr. 7.

[24] Ἐπεὶ δὲ τῶν νόμων εἰσενεχθέντων ἔνιοι τῷ Σόλωνι καθ' ἑκάστην προσῄεσαν ἡμέραν, ἐπαινοῦντες ἢ ψέγοντες ἢ συμβουλεύοντες ἐμβάλλειν τοῖς γεγραμμένοις ὅ τι τύχοιεν ἢ ἀφαιρεῖν, πλεῖστοι δ' ἦσαν οἱ πυνθανόμενοι καὶ ἀνακρίνοντες καὶ κελεύοντες αὐτόν, ὅπως ἕκαστον ἔχει καὶ πρὸς ἣν κεῖται διάνοιαν ἐπεκδιδάσκειν καὶ σαφηνίζειν, ὁρῶν ὅτι ταῦτα καὶ τὸ μὴ πράττειν ἄτοπον καὶ τὸ πράττειν ἐπίφθονον, ὅλως δὲ ταῖς ἀπορίαις ὑπεκστῆναι βουλόμενος καὶ διαφυγεῖν τὸ δυσάρεστον καὶ τὸ φιλαίτιον τῶν πολίτων ('ἔργμασι' γὰρ 'ἐν μεγάλοις πᾶσιν ἁδεῖν χαλεπόν', ὡς αὐτὸς εἴρηκε), πρόσχημα τῆς πλάνης τὴν ναυκληρίαν ποιησάμενος ἐξέπλευσε, δεκαετῆ παρὰ τῶν Ἀθηναίων ἀποδημίαν αἰτησάμενος. ἤλπιζε γὰρ ἐν τῷ χρόνῳ τούτῳ καὶ τοῖς νόμοις αὐτοὺς ἔσεσθαι συνήθεις (Plutarch, *Solon* 25.6).

[25] *Ath. Pol.* and Solon's poems have traces of the leader-*dêmos* commonplace too. Apparently this stereotype had strong roots in Greek archaic and classical history and literature.

with historical data that he must have found in his sources. His Solon biography is not fictional. It is highly influenced by his favoured stereotypes, but contains good factual material.

Bibliography

Aalders, G.J.D. & de Blois, L. 1992. Plutarch und die politische Philosophie der Griechen. In *Aufstieg und Niedergang der Römischen Welt* II 36, 5, eds. W. Haase and H. Temporini, 3384–3404. Berlin/New York.

de Blois, L. 1978. Dionysius II, Dion and Timoleon. *Mededelingen van het Nederlands Instituut te Rome* 40: 113–149.

de Blois, L. 1992a. The Perception of Politics in Plutarch's Roman Lives. In *Aufstieg und Niedergang der Römischen Welt* II 33, 6, eds. W. Haase & H. Temporini, 4568–4615. Berlin/New York.

de Blois, L. & Bons, J.A.E. 1992b. Platonic Philosophy and Isocratean Virtues in Plutarch's Numa. *AncSoc* 23: 159–188.

de Blois, L. 1997. Political Concepts in Plutarch's Dion and Timoleon. *AncSoc* 28: 209–224.

de Blois, L. 1998. Emperor and Empire in the Works of Greek-speaking Authors of the Third Century AD. In *Aufstieg und Niedergang der Römischen Welt* II 34, 4, eds. W. Haase and H. Temporini, 3391–3443. Berlin/New York.

de Blois, L. 1999. 'Plutarch's Perception of Plato's Political Activities in Syracuse'. In *Plutarco, Platón y Aristóteles, Actas del V Congreso Internacional de la International Plutarch Society, Madrid-Cuenca, 4–7 de Mayo 1999*, eds. A.J. Pérez Jiménez, García López and R.M. Aguilár, 299–304. Madrid.

de Blois, L. 2000, 'Traditional Commonplaces in Plutarch's Image of Timoleon'. In *Rhetorical Theory and Praxis in Plutarch. Acta of the IVth International Conference of the International Plutarch Society, Leuven, July 3–6, 1996*, ed. L. van der Stockt, 131–139. Leuven.

de Blois, L., Bons, J.A.E., Kessels, A.H.M. & Schenkeveld, D.M. eds. 2004. *The Statesman in Plutarch's Works. Vol. 1: Plutarch's Statesman and his Aftermath: Political, Philosophical, and Literary Aspects*. Leiden / Boston.

de Blois, L., Bons, J.A.E., Kessels, A.H.M. & Schenkeveld, D.M. eds. 2005. *The Statesman in Plutarch's Works. Vol. 2: The Statesman in Plutarch's Greek and Roman* Lives. Leiden / Boston.

Duff, T.E. 1999. *Plutarch's Lives: Exploring Virtue and Vice*. Oxford.

Frazier, F. 1996. *Histoire et morale dans les* Vies parallèles *de Plutarque*. Paris.

Helmbold, W.C. & E.N. O'Neil. 1959. *Plutarch's Quotations*. Baltimore / Oxford.

Hershbell, J.P. Plutarch's Political Philosophy: Peripatetic and Platonic. In De Blois et al. (2004) 151–162.

Massaro, D. 1995. I *Praecepta gerendae rei publicae* e il realismo politico di Plutarco. In *Teoría e Prassi Politica nelle Opere di Plutarco. Atti del V Convegno Plutarcheo (= IIIrd International Conference of the International Plutarch Society), Certosa di Pontignano, 7–9 giugno 1993*, eds. I. Gallo and B. Scardigli, 235–244. Naples.

Momigliano, A. 1993. *The Development of Greek Biography (2nd ed.).* Cambridge, MA.
Pelling, C.B.R. 1979/2002. Plutarch's Method of Work in the Roman Lives. *JHS* 99 (1979) 74–96. Reprinted in Pelling (2002) 1–44.
Pelling, C.B.R. 1980/2002. Plutarch's adaptation of his source- material. *JHS* 100 (1980) 127–140. Reprinted in Pelling (2002) 91–115.
Pelling, C.B.R. 1990/2002. Truth and Fiction in Plutarch's Lives. In *Antonine Literature*, ed. D.A. Russell, 19–52. Oxford. Reprinted in Pelling (2002) 143–170.
Pelling, C.B.R. 1992/2002. Plutarch and Thucydides. In *Plutarch and the Historical Tradition*, ed. Ph. A. Stadter, 10–40. London / New York. Reprinted in Pelling (2002) 117–141.
Pelling, C.B.R. 1995/2002. The Moralism of Plutarch's *Lives. Ethics and Rhetoric*, eds. D. Innes, H. Hines & C.B.R. Pelling, 205–220. Oxford. Revised version in Pelling (2002) 237–251.
Pelling, C.B.R. 2002. *Plutarch and History. Eighteen Studies*. London.
Pelling, C.B.R. 2004. Do Politicians never Learn? In De Blois et al. (2004) 87–103.
Pohlenz et al., eds. 1925–1978. *Plutarchus: Moralia.* 5 vols. Second edition. Leipzig.
Russell, D.A. 1972. *Plutarch.* London.
Schmitz, Th.A. 1997. *Bildung und Macht: zur sozialen und politischen Funktion der zweiten Sophistik in der griechischen Welt der Kaiserzeit.* München.
Stadter, Ph.A., ed. 1992. *Plutarch and the Historical Tradition*. London.
Stadter, Ph.A. 1998. *Plutarch, Greek Lives. A Selection of Nine Greek Lives, Translated by Robert Waterfield, with Introduction and Notes by Philip A. Stadter.* Oxford / New York.
Stadter, Ph.A. 2000. The Rhetoric of Virtue in Plutarch's *Lives*. In L. van der Stockt. *Rhetorical Theory and Praxis in Plutarch. Acta of the IVth International Conference of the International Plutarch Society, Leuven, July 3–6*, 1996, 131–139. Leuven.
Talbert, R.J.A. 1974. *Timoleon and the Revival of Greek Sicily 344–317 B.C.* Cambridge.
Teodorsson, S.-T. Timoleon, the Fortunate General. In De Blois et al. (2005) 215–226.
Van Raalte, M. More philosophico: Political Virtue and Philosophy in Plutarch's *Lives*. In De Blois et al. (2005) 75–112.
Wardman, A.E. 1974. *Plutarch's Lives*. London.
Zadorojnyi, A.V. Stabbed with Large Pens. Trajectories of Literacy in Plutarch's *Lives*. In De Blois et al. (2005) 113–137.
Ziegler, K. 1951. Plutarchos. In *RE* 21, 1. Stuttgart.
Ziegler, K. 1964. *Plutarchos von Chaironeia*. Stuttgart.
Ziegler, K, ed. 1964–1980. *Plutarchus: Vitae Parallelae.* 3 vols. Second-fourth editions. Leipzig.

CHAPTER EIGHTEEN

SOLON AND THE *HOROI*: FACTS ON THE GROUND IN ARCHAIC ATHENS

Josiah Ober

In fragment 36 Solon speaks of the promises he was able to fulfill by exerting his own power (κράτει) and by bringing to bear force (βίη) combined with justice (δίκη). He first asserts that if the extent of his reform program is ever brought into question, the black earth, supreme mother of the Olympians, will be his witness at the tribunal of Time: 'For on her behalf I disestablished the *horoi* (ὅρους ἀνεῖλον) which had been established everywhere (πολλαχῆι πεπηγότας), so that being formerly enslaved, she is now free'. Solon's claim to have acted as disestablisher of *horoi* and liberator of the very earth herself is immediately followed in this poem with reference to a double liberation: first the repatriation of those Athenians who had been forced into exile or sold abroad as slaves and then the freeing (ἐλευθέρους ἔθηκα) of Athenians who remained in Attica but were forced into a slavish condition and trembled at their master's every whim. Solon relates (through a μέν / δέ construction) these acts of liberation—accomplished by power: force combined with justice—to his writing of laws (θεσμοὺς… ἔγραψα) that would be applied equally to bad and good alike.[1] My concern here is with how the act of disestablishing *horoi* might be related to creating conditions of freedom and justice and to writing a new lawcode. We can understand easily enough why liberated human slaves can be said to have been "freed", but what can it mean to free the black earth from enslavement?

[1] 'These things, on the one hand [I accomplished] by my power, harnessing together force and justice, and I persevered in my promises. But on the other hand, I wrote laws for good and bad people alike, providing straight justice for each man.' [Arist.] *Ath. Pol.* 12.4 l = Solon fr. 36.15–20. For a complete text of this fragment, see the Appendix to this volume. My translation is adopted from that of Rhodes (1984). I follow the reading of the Berlin papyrus (ὁμοῦ), adopted by West, rather than νόμου, adopted by Kenyon. For discussion of this important crux, see Ostwald (1969) 3 n. 5; Rhodes (1981) 176; Stanton (1990) 56 n. 5. Likewise I follow the Berlin papyrus and West's reading of θεσμοὺς δ' rather than Kenyon and Chambers, who read θεσμοὺς θ'. See Rhodes (1981) 177.

My subtitle intentionally recalls a seemingly intractable socio-political problem of modernity: the phrase "facts on the ground" was first popularly used in the 1970s, in reference to the extra-territorial settlement policy inaugurated by the conservative Likud government of Israel. The "facts" were newly-established Jewish settlements and the "ground" on which they were created lay outside Israel's internationally recognized national borders, in the West Bank of the Jordan and (later) Gaza, territories occupied by Israel since the 1967 war. The phrase "facts on the ground" is still most commonly used with reference to geographical/political issues in the Middle East—including (relevantly for my purposes) the controversial land wall (or "security barrier") being built by the Israeli government to divide the Israeli and Palestinian populations. But the phrase long ago escaped its original geographic locus.[2]

Over the course of the last quarter century the phrase "facts on the ground" has become generalized, as a way to refer to the antecedent and seemingly fixed conditions framing a situation in which negotiation is required, and especially to those conditions that make it difficult to find a solution acceptable to all parties. Three aspects of the modern phrase are relevant for thinking about the *horoi* that Solon confronted in 594 BC: first is the notion that the facts in question are physical realities with a material presence. Second is the frequent association of those material facts with the terms "creation" and/or "new". To speak of creating new facts on the ground is to acknowledge that the facts in question are *not* fixed by nature, but are the contingent products of human artifice: facts on the ground that are created anew are self-evidently brought into being by willful human agents and thus (unlike the brute "facts of nature") are likewise capable of being dissolved by

[2] The earliest citation that comes up in a Lexis/Nexis search for the phrase "facts on the ground" is *Newsweek*, February 13, 1978, pg. 37, referring to the Shiloh settlement on the West Bank, and quoting Haim Shaham, one of the Shiloh leaders: 'we have no doubt that Mr. Begin [then Prime Minister of Israel and leader of the Likud Party] wants us to create facts on the ground. Settling the Land of Israel has always been his principal wish'. The phrase has since exploded in popularity: according to my Lexis/Nexis search there were 3 mentions of the phrase in Middle Eastern-African news sources in the decade 1970–1980. In the decade 1981–1990 there was an average of 8.9 mentions per year. The frequency rises to an average of 189 per year in 1991–2000, and to 516 per year in the first three years of the current decade. A cruder, but impressive measure: in October of 2004, a Google search for "facts on the ground" yielded 37,200 items; "Solon of Athens" and "Solon the Athenian" yielded a combined total of 1108 items.

willful human agency. The willful act of removing existing facts on the ground serves in turn to create even newer facts on the ground. This, I would suggest, is what Solon did when he "freed the black earth" by annulling the *horoi*. Third is the moral concern that is provoked by the creation of new facts on the ground: these "newly created material facts" invariably involve value judgments (about their goodness or badness, rather than about their factuality) and they provoke normative discussion about fairness and justice. It is, today, simply impossible to insulate oneself from issues of value when speaking of facts on the ground.

Analyzing a politically loaded phrase first popularized in the 1970s of our era can, I think, help us to think more clearly about what was going on in Athens in the 590s BC. Grasping the conjunction of materiality, contingency, and moral judgment in the phrase "facts on the ground" can help us to understand Solon and the *horoi*. But it might also help to make what we have learned about Solon's world relevant to the world we inhabit today, and to the world we might aspire to inhabit tomorrow. Some historians of ancient Greece object, however, both to the practice of using "loaded" modern concepts to understand the ancient past, and to the claim that what we learn about the past should be relevant to our present or future. Answering that anticipated objection requires a brief detour into historical method.

As P.J. Rhodes has rightly pointed out in his book *Ancient History and Modern Ideologies* seeking modern relevance is certainly not the only possible reason to study ancient history and culture. But (as Rhodes also points out in special reference to my own work) some historians (like me) see little purpose in studying ancient history (other than as a hobby) if it does not relate in some meaningful way to issues that modern people regard as worthy of serious thought. Rhodes argues that relevance-seeking is ultimately harmful to the historical enterprise, in that it turns attention away from the study of the past for its own sake. I disagree, but my disagreement with Rhodes is not an empirical dispute over facts as such, but a normative dispute over methodology: it is not about "what do our sources say actually happened?" but rather it concerns "how ought we go about interpreting the evidence of our sources?" Rhodes suggests, for example, that my interpretation of the events of 508/7 BC 'builds too much on Herodotus' innocent remarks'.[3]

[3] Rhodes (2003) 77, cf. 82.

But surely all historians of antiquity must build interpretations upon lacunary sources, and it may be preferable to build upon innocent remarks than upon tendentious ones. In any event, in this chapter I attempt to build something on Solon's remark (innocent or otherwise) about annulling *horoi*, and I seek to show that, rather than harming the historical enterprise, relevance-seeking can further the fundamental historical project of better understanding what happened in the past and why historical actors (whether individuals or groups) acted as they did.

Rhodes and I agree that a principled commitment to seeking factual accuracy is an essential methodological prerequisite for every historian. This is true whether he or she is concerned with the past for its own sake or as a means to think about the problems of the present and future. History will not help us to think better and more clearly about modern issues if we fail to account for the relevant facts, that is for things that our sources tell us were done and said in the past. On the other hand, it also seems to me true that careful attention to certain concepts important to modern historical actors (e.g. "facts on the ground") may sometimes help historians to frame better (that is, analytically sharper) questions about antiquity. And better-framed questions will, I suppose, yield better (that is fuller and more accurate) accounts of the past. And so, paying attention to modernity when studying antiquity may sometimes help to further the positivist historian's project of getting the past right, just for the sake of so doing.

Rhodes' commitment to retaining a stance of objectivity in respect to the past stems (at least in part) from a concern that if we do not keep them separate, facts will be illegitimately conjoined with values: David Hume famously asserted that it is improper to seek to derive an "ought" from an "is"—the historical positivist likewise worries that not keeping the fact/value distinction intact will quickly lead to the fallacy of deriving an "is" (or a "was") from an "ought." But in times and places of conflict (like Israel/Palestine in ca. 1973–2004 or Athens in ca. 594 BC), facts and values just will not remain in unique spheres. I suggested, above, that to speak of facts on the ground today is, *eo ipso*, to involve oneself in value judgment. Obviously historians concerned with writing histories of ideologies must be careful to avoid anachronistically imposing *our own values* upon ancient historical actors. But by the same token, we will never be able to understand Solon's reforms if we are insensitive to *Solon's own normative concerns*: his own determination to move from oughts to is's.

Solon's reforms were, as the fragments make manifest, explicitly normative. The overall Solonian program, as summed up in fr. 36, asserted, in effect, "we Athenians *ought* to do things differently, because it is just and right to do so". Solon also clearly believed that "we *must* do this, or suffer the dreadful consequence of civil war". Led by moral concerns about justice and a prudent conviction regarding the necessity of change, Solon was explicitly willing to employ power, to conjoin "force with justice," in order to establish new "is's"—in this case (as in others) by disestablishing present injustices whose roots lay in the Athenian past. My point is that Solon's poetic remark about the *horoi*, although difficult to interpret, was certainly not merely descriptive. It could not have been "innocent" of normative intent. Historians who hope to understand Solon and his age must be willing to enter the philosophical terrain of normative discourse, while keeping firmly in mind the fact that Solon lived long before moral philosophy had been codified, and thus he had no technical philosophical language with which to describe his undertaking.[4]

The new Athenian order Solon sought to create by legal fiat was grounded not merely in restraining 'both the strong and the many and their selfish interests' but in a commitment to general fairness. Solon's laws instantiated as a public value his normative conception of how the Athenians, as a community, ought to relate to one another under conditions of fairness: both procedural fairness and equity. Solon's laws are thus built on a clear political ethics, which has at its center a notion of conjoining freedom from inappropriate constraints and equity in regard to public goods. In the early sixth century BC that meant (*inter alia*) that the strongest ought not enslave the weak—at least when the strong and weak in question are both sharers in the same political community.[5]

Thinking of Solon as an ethicist is hardly a matter of imposing modern ideals upon the past. Solon's *political* ethics (his conception of "what it takes to achieve conditions of justice within a community", as manifest in the poetry) were firmly connected in Greek tradition with assumptions about his *individual* ethics (his conception of "what it takes for a human life to go well"). We cannot say how early that conjunction took place, but it was certainly before Herodotus wrote his

[4] I survey early Greek notions of justice as fairness, and their relationship to Greek law, in Ober 2005b.

[5] Cf. Balot (2001).

anachronistic story about Solon's visit to Croesus (Hdt. 1.30–33), with its ethical parable of happy Tellus of Athens, a man whose life went "just right".

In seeking to instantiate a new political / ethical order in Athens in 594, Solon confronted various facts on the ground. Prominent among these, not least in terms of their presumptive materiality and groundedness, were *horoi*: in fr. 36, Solon claims to have used force conjoined with justice to achieve various just ends, including disestablishing the *horoi* and thus liberating the black earth. So what was going on? What sort of facts were being disestablished and what was the nature of the ground? Rivers of scholarly ink have flowed around this topic, much of it concerned with how to relate the *horoi* to Solon's debt-relief measures. The tendency has often been to jump quickly from the *horoi* of fr. 36 to late-classical Athenian "mortgage" *horoi*—that is, to the fourth-century inscribed stone stelai that were the subjects of two monographs (by M.I. Finley and John Fine) published in 1951. The fourth-century stelai recorded various sorts of hypothecation (indebtedness secured by privately-owned real estate).[6] But there is, equally famously, a gap of some 200 years between Solon's archonship and the earliest hypothecation *horoi*. More recently it has been argued that since they were not inscribed hypothecation stelai, the *horoi* annulled by Solon cannot have had any material existence at all—and so historians have 'no choice but to interpret these lines metaphorically'.[7] This strange claim is predicated on three false notions: that *horoi* with a material existence must

[6] Finley (1951) (revised edition, 1985), Fine (1951). For the Solonian *horoi* as mortgage records, see, for example de Ste. Croix (2004) 109–128, esp. 115: 'As regards the peasant proprietors… there is no problem: the Horoi were wooden pillars recording the fact that the lands they stood on were what we call 'mortgaged', and of course the destruction of the Horoi accompanies and symbolises the cancellation of the mortgages'.

[7] Harris (1997) 104–107, after critically reviewing the scholarship dedicated to the "mortgage stelai" hypothesis and correctly noting that the term *horos* in Solon's time must instead refer to a boundary marker, seeks to demonstrate that the *horoi* of fr. 36 were merely metaphorical. His argument runs as follows: *horos*-removal was condemned as illegal and sacrilegious by Ps-Demosthenes (7.39–40) and Plato (*Laws* 8.842e–43b) and was subject to fines in other *poleis*; Solon would not boast of criminal activity; ergo '[a] literal reading of the passage can safely be ruled out' and thus we are left with 'no choice but to interpret these lines metaphorically' (104–105). Harris has somehow forgotten that Solon was not an orator or systematic philosopher of the fourth century, but an archaic lawmaker who boasts about how he conjoined force with justice to create a new legal order for Athens. I leave to experts in Greek poetry the question of whether boasting of metaphorical crimes would be any more likely than boasting of actual crimes. On the question of whether Solon's disestablishment would have required removal or destruction, see below.

be set up to demarcate private property, that annulling a *horos* requires its removal, and that Solon would have committed criminal sacrilege had he removed them.

Given that most Greek historians today agree that we must be careful about retrojecting classical-era practices into the archaic era, when seeking parallels for the *horoi* disestablished by Solon it surely makes sense to start by asking what we know about archaic *horoi*. *Horoi* were part of the Greek physical and conceptual landscape well before the age of Solon and they remained important through the archaic period. We can hope to get some sense of what *horoi* might have meant in Solon's Athens by keeping in mind a few well-known pre-classical examples:[8]

In the *Iliad*, in the midst of a fight with the god Ares, the goddess Athena picks up a stone which was 'lying there on the plain, [it was] dark, rough, and huge; former men had established it as a *horos* of the plowland' (*Il.* 21.403–405). In the archaic Athenian ephebic oath, *horoi* are invoked as witnesses (*histores*): 'gods, Agraulos, Hestia, Enuo, Enualios, Ares and Athena Areia, Zeus, Thallo, Auxo, Hegemone, Heracles; *horoi* of the *patris*, wheat, barley, vines, olives, figs' (Rhodes and Osborne 2003, no. 88). Two inscribed stelai, dating ca. 500 BC, found in situ on the borders of the Athenian *agora*, are inscribed, 'I am the *horos* of the *agora*'.[9]

Obviously none of these examples of pre-classical *horoi* will give us the full form and function of the Solon-era *horoi*; indeed, given the state of our evidence, it is quixotic to seek to *fully* understand the form or function of a Solon-era *horos*. But with these three examples in mind, we can, I think, establish that the base-line meaning of *horos*, the meaning with which Solon and his archaic contemporaries were working, was "marker of distinction between this and that": on the one side of the boundary marked by the physical presence of the *horos* this situation pertains, on the other side of the boundary-marker, some other situation pertains. Of course *horoi* may also have also been used in the seventh and early sixth centuries for purposes similar to the hypothecation *horoi* of the fourth century: that is as visible written records of individual indebtedness. But there is no strong reason to suppose that they were. All we can say with reasonable historical confidence is that the

[8] Each of these examples is discussed at greater length in Ober (1995 = 2005) chapter 9. The essay presented here expands upon some of the arguments first offered there.

[9] Thompson and Wycherley (1972) 117–119.

horoi Solon disestablished had marked some sort of distinction that he regarded as inimical to the fairness-based regime of justice he sought to create for Athens. And that, for my purposes in this chapter, is enough.

Boundary-defining and boundary-annulling seem to be among the pivotal features of Solon's reforms. Two well known Solonian fragments mention *horoi*: his act of *horos*-annulling (fr. 36) and his description of himself as a *horos* set between mutually hostile armed forces (fr. 37). This reduplication of a fairly specialized term strongly suggests that *horoi*, qua markers of distinction between "this" and "that", were an important part of how Solon understood the problems he confronted and how he imagined himself as confronting them. That is to say, *horoi* were prominent among the "facts on the ground" that Solon encountered upon taking up his archonship and that, once in power, he sought to remake by conjoining force and justice. Moreover, if we look at the reform program overall, it seems clear enough that even when it was not explicitly a matter of *horoi* as such, Solon was very concerned with establishing and disestablishing distinctions—that is with distinguishing "this category of persons or things" from "that one". In many cases (e.g. in the four census classes) we know enough to fill in a good part of the context of particular "this's" that were being distinguished from particular "thats".[10] In sum, I would posit that Solon's legal and ethical project was (at least in part) concerned with establishing clear and legitimate distinctions. Those distinctions were now to be securely grounded in written law. And thereby, conceptual clarity and procedural fairness were to be imposed in the place of the prior socio-political order in which distinctions were either vague or arbitrary and predicated upon socio-legal practices that could be easily manipulated to the selfish advantage of the strongest.

Certain of the arbitrary distinctions characteristic of the old order were, evidently, marked by *horoi*. Judging from the *comparanda* cited above, we may guess that Solon's contemporaries would have understood the *horos* as something material (for instance, a stone), which marks a man-made, social boundary "on the ground"—that is, which imposes a new human "this/that" distinction on the natural world.[11]

[10] Foxhall (1997) surveys the literature on the census classes. See further the contributions of van Wees and Raaflaub to this volume.

[11] L'Homme-Wéry (1999) 121–124, sees that the *horoi* disestablished by Solon must have been boundary markers, but her argument that they were specifically stones marking the border between Attica and Megara founders (pace 122 n. 52) on Solon's claim that they had been 'established everywhere' (πολλαχῆι πεπηγότας).

Now, the idea of a distinction-marking boundary is certainly not original to archaic Greece. The natural world, after all, has its own boundaries: between sea and land, between land on this side of a streambed or that side, and so on. The material presence of these natural boundaries in our physical world presumably makes it almost inevitable that people will think in terms of distinction-marking "facts on the ground". The imposition of new distinctions on a natural world is perhaps inevitably a part of organized human activity. At very least it must be a part of the organized collective activity of all agricultural communities.

Yet if the concern with marking distinctions may be taken as a universal, it is culturally specific conditions of social and political power that will determine who has the authority to create new facts on the ground. It is a function of ideology to make those new, contingent, facts of distinction *appear* immutable and unchangeable—as equivalent to the brute facts of nature. There are various ways by which persons in power seek to "naturalize" their newly created "facts on the ground". One way is by rendering them physically massive.[12] Another way is to associate the new facts with ownership, occupancy, religious belief, and other emotionally fraught social conditions. Both approaches are exemplified by the Likud government's settlement and wall-building program. The further "facts on the ground" move away from the realm of self-evidently revisable "social facts", contingently established for the purposes of promoting ongoing negotiation, the more deeply the "facts on the ground" may become embedded in assumptions about nature, with people's expectations about the future, and thereby with their multi-generational life-plans. And the deeper they are thus embedded, the harder those facts are to change, and the more they will come to be seen as "eternally fixed" conditions that all subsequent discussion must take into account as antecedent premises. This is, on the face of it, the goal of the settlement- and wall-building policy of the Likud government of Israel. How might thinking about that policy help us to understand Solon's Athens?

I would suggest that at some point in the pre-Solonian era members of the ruling Athenian elite (often dubbed the Eupatridai) sought to create facts on the ground via establishment of boundary-marking *horoi*—setting up monuments of some sort for the purpose of creating

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[12] Obvious examples include the Great Wall of China and the Roman limes. See Morris (2000) on the labor inputs necessary to create the "Hero's tomb" at Lefkandi, with reference to other massive works.

distinctions of some sort of between "this land over here" and "that land over there". Solon recognized those distinctions as systematically disadvantageous to a substantial part of the Athenian population, and thus as contributory to the unstable and unfair socio-political situation Solon was seeking to change through his program of reform. We will probably never know for sure the exact form or function of pre-Solonian *horoi*—and so we will probably never know just what sort of "facts on the ground" had been created by the Eupatridai. But I think that it is a fair guess that the Eupatrid elite (or at least some of them) had sought through ideological means (again unrecoverable to us) to "naturalize" the distinctions they marked by the establishment of *horoi.* Their intention (conscious or otherwise) was to make the disestablishment of the "new facts on the ground" marked by *horoi* correspondingly more difficult. It is at least possible, although this is only a speculation, that the *horoi* marked out specific regional zones within Attica and may therefore have been intended to restrict movement by certain persons or classes of people. This speculation might graduate to the status of "working hypothesis" if we could demonstrate that it helps to make better sense of other recalcitrant aspects of Solon's reforms and his era.[13]

Of the three examples of pre-classical *horoi* listed above, two (Athena's stone in Homer and the inscribed *horoi* of the *agora*) appear to mark a distinction *within* a "national" territory while the other example (the *horoi* of the *patris* in the ephebic oath) seems intended (like the new Israeli wall, or the old Berlin wall) to mark the frontier between a contested "national territory" and that which lies outside of it. There seems nothing in the tradition to point to the *horoi* later disestablished by Solon as marking the external frontiers of Attica.[14] If we assume then that the *horoi* established by certain of the Eupatridai marked *internal* boundaries, why would that marking have been regarded by Solon as ethically wrong and politically dangerous?

By way of comparison, we might think of the conditions that presumably pertained in early sixth-century Sparta. Although the chronology of the Lycurgan reforms is disputed terrain—it is, I suppose, reasonable to imagine that the system whereby Messenia and Laconia were subdivided into distinct geographical zones, corresponding to distinct and "fixed" socio-political categories (Spartans, *perioikoi*, helots), was avail-

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[13] This is an example of the methodological approach I advocated in Ober (1996) chapter 2.

[14] See above, note 11.

able to Solon's contemporaries as a model—and to Solon himself as an anti-model.[15] While there is no evidence that the Athenian Eupatridai were consciously seeking to model Athens on Lycurgan Sparta, it is at least plausible to suppose that they sought (through setting in place some sort of spatial distinction-markers) to create "facts on the ground" whereby the internal geography of Attica would be made to correspond to a stratified internal Athenian social structure: to a society of Eupatridai and *hektêmoroi*, for example. And thus, it is at least possible that the term *hektêmoros* originally referred to some politically-imposed socio-geographical distinction (perhaps relegation to or segregation from some part of the territory of Attica) rather than (or as well as) to a economic condition of individual indebtedness.[16]

If this train of thought is headed in the right direction, then Solon's freeing of the black earth can be seen as a way of asserting the conceptual unity of the "divinely founded homeland" and as a way of asserting the freedom and base-line equality of the Athenians. In the 21st century, citizens of liberal-constitutional nation-states might seek to express what Solon was doing in the language of rights—that is, he could be thought of as extending to all Athenians a territory-wide "equal right of free movement and association" that complemented the "freedom from coercion" implicit in the law outlawing debt slavery. There are well known problems with the use of the terminology of rights for ancient Greek politics.[17] But so long as we are careful to keep the relevant dis-

[15] Sparta in the pre-classical period is famously ill-documented, but Hodkinson (1997) makes a strong argument for moderate distinctiveness based on a helot labor regime by the late 7th century, and notes that archaic-era Spartans were involved in a network of *xenia* relations with other Greeks. See, further, Malkin (1994).

[16] There is no scholarly consensus on what it meant to be a *hektêmoros*, or about agricultural conditions that might have motivated or might have been created by Solon's reforms; see Ste. Croix (2004) 109–128, with editors' afterword at p. 127. Foxhall (1997) critiques earlier scholarship, but offers no compelling evidence (turn-taking on magisterial boards is not proof) in support of her own hypothesis that Athens and all other archaic *poleis* were 'little more than a stand-off between the members of the elite who ran them' (p. 119). Her conclusion that Solon's reforms 'must have amounted to (re)defining who the elite were', is therefore over-stated. Foxhall is surely right to suppose that Solon was a member of the elite, and that he was not a democrat (in a fifth- or fourthcentury sense). Yet her line of argument, reducing Solon's reforms to reshuffling people at the top, requires Solon's apparent concern in the poems with justice for all Athenians to be an ideological smoke screen and that it have nothing to do with social justice. This seems to me an unnecessarily cynical reading of the political ethics expressed in the poetry.

[17] Cf. Ostwald (1996); Hansen (1996); Ober (2000a), for further discussion.

tinctions in mind (in this case, we must not confuse matters by attaching conceptions of "universality" or "inherency" to the privileges and immunities enjoyed by some members of archaic Greek communities) the terminology of rights may help us to get a conceptual handle on the social problems Solon sought to address. This is because it allows us to reformulate, in our own moral language, the normative ideals that motivated the particular political and legal measures by which Solon sought to make Athens a fairer and therefore more just community.[18]

If Solon's disestablishment of the *horoi* removed previously established distinctions in the domain of association and movement, it would (*inter alia*) have had potentially profound effects on the Athenian property regime and specifically on the options for real estate ownership among citizens. Citizens who were free to move about Attica and free to associate with other Athenians were likewise free to enter into various sorts of property-ownership and exchange, e.g. via marriage. And this might, in turn, allow us to link the fragment regarding the annulment of *horoi* to the tradition regarding Solon's marriage legislation. Susan Lape has demonstrated that Solon's marriage legislation can best be understood as motivated by a concern for creating new conditions for legitimate marriage and thus for socially-recognized procreation. Lape points out that the reputedly Solonian law reducing the bastard's inheritance to a fixed payment limited the capacity of the Athenian elite to pass on their landed property to children born outside of formal wedlock.[19] Given that Athenian dowry customs meant that marriage had a close connection to property ownership, new marriage laws that limited elite privilege in respect to inheritance would have an obvious relationship to creating "new facts on the ground" in respect to free movement and association. From the perspective of promoting equity across the citizen body, *removing restrictions* on movement or association that had prevented an Athenian from contracting a formal marriage (and thereby gaining access to dowry property) in part of Athenian territory would be consistent with *establishing restrictions* upon who (among a man's biological descendants) could inherit landed property.

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[18] See Williams (1993) for a defense of the idea that ancient Greek moral concepts, while framed in very different terms, are relevantly similar to modern moral concepts. If this is right, as I suppose it is, using modern moral language in reference to ancient Greek moral concepts requires careful intellectual translation, but need not involve a category error.

[19] Lape (2002/3).

Supposing that Solon's disestablishment of *horoi* entailed the elimination of socio-geographical restrictions on "free access to the territory" could also help us to make some sense of the confusing historical tradition of socio-geographically determined Athenian political factions (the well known men of the plain, coast, and hills mentioned by Herodotus, the Aristotelian *Athênaiôn Politeia*, and Plutarch).[20] This tradition makes more sense if we suppose that some Eupatridai had sought to formalize (via *horoi*) and subsequently to naturalize geographic distinctions linking certain sociologically identifiable categories of persons with certain parts of the territory and that Solon had sought to eliminate those distinctions. Such an interpretation might also help us to understand better the thinking that went into Cleisthenes' decision, some three generations after Solon, to ground his new conception of citizenship on the demographic/geographic basis of demes and artificial tribes and on the principle of 'mixing up the population' (*Ath. Pol.* 21.1): Cleisthenes' own creation of "new facts on the ground" in respect to formally designated demes and newly created tribes would thereby become conceptually continuous with Solon's disestablishment of the invidious distinctions marked by the *horoi*. This conjunction helps us to align two important early steps in the development of what would eventually be called *dêmokratia*.[21]

In conclusion, I have tried to show (1) that employing an explicitly modern turn of phrase (and taking account of the historical and moral baggage that comes with it) can help us to formulate a speculative hypothesis, (2) how that hypothesis might be strengthened by asking how it fits with other evidence for Solon's program and his era, and thus (3) how we might seek to sharpen a few of the somewhat over-familiar questions historians have long asked of our fragmentary evidence for Solon and his times. There certainly was a great deal of well-established concern, in archaic Sparta (and elsewhere in Greece) as well as in Athens, for the close interrelationship of the knowledge-domains we call geography, sociology, and politics. Resitu-

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[20] The passages are collected and commented upon by Stanton (1990).

[21] This does not, of course, imply that Solon himself had in mind anything like the Cleisthenic political order; only that Cleisthenes had in mind some issues of geography / sociology / politics that were conceptually similar to those that had formerly concerned Solon. The difficulty of assigning the "invention of Athenian democracy" to a single "founder" (with, e.g. the unquestioned status of Spartan Lycurgus) is evident in the account of the *Ath. Pol.*, as it is in recent debates, e.g. Morris and Raaflaub (1998); Raaflaub, Ober, and Wallace (2006).

ating the *horoi* disestablished by Solon in a highly contested and yet relatively undifferentiated social, geographic, and political conceptual domain might help us to make somewhat better sense of archaic Athenian history.

Historians need no longer choose between two equally implausible notions: pre-Solonian *horoi* were neither inscribed stelai recording land hypothecation nor metaphors lacking a material existence. Yet we still cannot know what a Solonian-era *horos* actually looked like. It might be something natural or something man-made. A *horos* confronted by Solon might have taken the form of a 'large rough rock' (like Athena's stone in Homer), or a hilltop, or some other natural feature. It might have been a field wall, a temple, a sanctuary, letters carved in bedrock, or some other pre-existing or newly-built human imposition upon the landscape. All of these things were employed as boundary markers later in Greek history.[22] Likewise, there is no way to tell whether Solon's disestablishment (the verb he uses is the aorist of ἀναιρέω) of the *horoi* required physical changes in the objects formerly designated as *horoi*. If the *horoi* were stelai, they might have been removed or physically destroyed (*LSJ* ἀναιρέω II.1: make away with, destroy). Yet it is equally possible that Solon simply decreed that distinction "y" once marked by "*horos* x" was no longer valid (*LSJ* ἀναιρέω II.2: abolish, annul). So there may have been no need for removal or destruction (surely undesirable for a temple, quixotic for a large rough rock, and impossible for a hilltop).

There is no reason to suppose that we will ever recognize a Solon-era *horos* in the archaeological record. Solon-era *horoi* may still be there in front of our eyes in the hills of Attica or the museums of the world, but lacking all indication of their former status as *horoi* they are longer recognized as *horoi*. Solon created his own new facts on the ground by transforming distinctions that might have come to be regarded by Athenians as natural and immovable (if, counterfactually, the Eupatrid ideology had solidified) into "no noticeable distinction at all". That was, of course, the point and goal of the act of disestablishment. Modern historians do not know what a pre-Solonian *horos* looked like precisely because Solon's act was successful.

A final question: if thinking about contemporary attempts to "create new facts on the ground" can (as I suppose) help historians to revise the

22 See Sartre (1979) and Daverio Rocchi (1988) for useful surveys.

way we think about what Solon was up against and what he was (in normative terms) up to—can that revised historical understanding in turn help us to get a better grip on the ethical and political dilemmas of our own era? It would, I think, be at once over-optimistic and grandiose to claim that Greek historians working on Solon and his times could help policymakers to solve the contemporary dilemmas of the Middle East—or other places where the need to work around "facts on the ground" sets limits on negotiated solutions. Yet perhaps a much more modest goal is still worth while: historians can perhaps do some good for modernity by reminding our fellow citizens that in the past "facts on the ground" *have* been challenged and changed by human agents, by people motivated by ethical concerns and seeking just solutions to seemingly intractable problems.

Solon, who appears in our scant sources as an ethical and political reformer, committed to justice but willing to conjoin justice with force when necessary, might not be a bad model for one sort of statesman called for in our own conflicted world. But we must also remember that the prior condition that enabled Solon to employ "force conjoined with justice" was a general willingness of the affected population to choose a negotiated solution over devolution into a permanent condition of grinding civil war. It remains to be seen whether a similar commitment to going on together as a society, and to avoiding the alternative of bequeathing unrelenting conflict to future generations, will emerge in those parts of the world where actively attempting to create new facts on the ground, through building projects aimed at dividing populations, still ranks as a primary form of political discourse.

Bibliography

Balot, R.K. 2001. *Greed and injustice in classical Athens*. Princeton.

Daverio Rocchi, G. 1988. *Frontiera e confini nella Grecia antica*. Roma.

de Ste. Croix, G.E.M. 2004. *Athenian democratic origins and other essays*, eds. D. Harvey and R. Parker. Oxford.

Fine, J.V.A. 1951. *Horoi: Studies in mortgage, real security and land tenure in ancient Athens*. Baltimore.

Finley, M.I. 1951. *Studies in land and credit in ancient Athens, 500–200 BC: The horos-inscriptions*. New Brunswick.

Hansen, M.H. 1996. The Ancient Athenian and the Modern Liberal View of Liberty as a Democratic Ideal. In *Dêmokratia*, eds. J. Ober and C.W. Hedrick, 91–104. Princeton.

Harris, E.M. 1997. A New Solution to the Riddle of the *Seisachtheia*. In *The development of the polis in archaic Greece*, eds. L.G. Mitchell and P.J. Rhodes, 103–112. London and New York.
Hodkinson, S. 1997. The Development of Spartan Society and Institutions in the Archaic Period. In *The development of the polis in archaic Greece*, ed. by L.G. Mitchell and P.J. Rhodes, 83–102. London and New York.
Lape, S. 2002–2003. Solon and the Institution of the Democratic Family Form. *CJ* 98: 117–139.
L'Homme-Wéry, L.M. 1999. Eleusis and Solon's *Seisachtheia*. *GRBS* 40: 109–133.
Malkin, I. 1994. *Myth and territory in the Spartan Mediterranean*. Cambridge.
Morris, I. 2000. *Archaeology as cultural history: Words and things in Iron Age Greece*. Malden.
Morris, I. and K. Raaflaub, eds. 1998. *Democracy 2500? Questions and challenges*. Dubuque, IA.
Ober, J. 1995. Greek *Horoi*: Artifactual Texts and the Contingency of Meaning. In *Methods in the Mediterranean: Historical and archaeological views of texts and archaeology*, ed. D. Small, 91–123. Leiden / Boston.
Ober, J. 1996. *The Athenian revolution: Essays on ancient Greek democracy and political theory*. Princeton.
Ober, J. 2000. Quasi-rights: Participatory citizenship and negative liberties in democratic Athens. *Social Philosophy & Policy* 17: 27–61.
Ober, J. 2005. *Athenian legacies: Essays in the politics of going on together*. Princeton.
Ober, J. 2005b. Athenian Law and Political Theory. In *Cambridge companion to Greek law*, ed. M. Gagarin and D. Cohen, 394–411. Cambridge.
Ostwald, M. 1969. *Nomos and the beginnings of the Athenian democracy*. Oxford.
Ostwald, M. 1996. Shares and Rights: "Citizenship" Greek Style and American Style. In *Dêmokratia: A conversation on democracies, ancient and modern*, eds. J. Ober and C.W Hedrick, 49–61. Princeton.
Raaflaub, K., Ober, J. and R. Wallace. 2006. *Origins of democracy in ancient Greece*. Berkeley, forthcoming.
Rhodes, P.J. 1981. *A commentary on the Aristotelian Athenaion politeia*. Oxford.
Rhodes, P.J. transl. 1984. *Aristotle, The Athenian constitution*. Harmondsworth.
Rhodes, P.J. 2003. *Ancient democracy and modern ideology*. London.
Rhodes, P.J. and Osborne, R. 2003. *Greek historical inscriptions: 404–323 BC*. Oxford.
Sartre, M. 1979. Aspects économiques et aspects religieux de la frontière dans les cités grecques. *Ktema* 4: 213–224.
Stanton, G.R. 1990. *Athenian politics, c. 800–500 BC: A sourcebook*. London and New York.
Thompson, H.A. and Wycherley, R.E. 1972. *The Agora of Athens: The history, shape, and uses of an ancient city center*. Princeton.
Williams, B. 1993. *Shame and necessity*. Berkeley.

APPENDIX

A SELECTION OF SOLONIAN POETRY

This appendix contains a selection of some of the longer and most discussed fragments of Solon in the volume, accompanied by the prose translation of D.E. Gerber, *Greek Elegiac Poetry* (Cambridge, MA 1999).

Fragment 4

ἡμετέρη δὲ πόλις κατὰ μὲν Διὸς οὔποτ' ὀλεῖται
    αἶσαν καὶ μακάρων θεῶν φρένας ἀθανάτων·
τοίη γὰρ μεγάθυμος ἐπίσκοπος ὀβριμοπάτρη
    Παλλὰς Ἀθηναίη χεῖρας ὕπερθεν ἔχει·
αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίῃσιν
    ἀστοὶ βούλονται χρήμασι πειθόμενοι,
δήμου θ' ἡγεμόνων ἄδικος νόος, οἷσιν ἑτοῖμον
    ὕβριος ἐκ μεγάλης ἄλγεα πολλὰ παθεῖν·
οὐ γὰρ ἐπίστανται κατέχειν κόρον οὐδὲ παρούσας
    εὐφροσύνας κοσμεῖν δαιτὸς ἐν ἡσυχίῃ
....
    πλουτέουσιν δ' ἀδίκοις ἔργμασι πειθόμενοι
....
    οὔθ' ἱερῶν κτεάνων οὔτε τι δημοσίων
φειδόμενοι κλέπτουσιν ἀφαρπαγῇ ἄλλοθεν ἄλλος,
    οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα,
ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,
    τῶι δὲ χρόνωι πάντως ἦλθ' ἀποτεισομένη,
τοῦτ' ἤδη πάσηι πόλει ἔρχεται ἕλκος ἄφυκτον,
    ἐς δὲ κακὴν ταχέως ἤλυθε δουλοσύνην,
ἣ στάσιν ἔμφυλον πόλεμόν θ' εὕδοντ' ἐπεγείρει,
    ὃς πολλῶν ἐρατὴν ὤλεσεν ἡλικίην·
ἐκ γὰρ δυσμενέων ταχέως πολυήρατον ἄστυ
    τρύχεται ἐν συνόδοις τοῖς ἀδικέουσι φίλους.
ταῦτα μὲν ἐν δήμωι στρέφεται κακά· τῶν δὲ πενιχρῶν
    ἱκνέονται πολλοὶ γαῖαν ἐς ἀλλοδαπὴν
πραθέντες δεσμοῖσί τ' ἀεικελίοισι δεθέντες
    ....
οὕτω δημόσιον κακὸν ἔρχεται οἴκαδ' ἑκάστωι,
    αὔλειοι δ' ἔτ' ἔχειν οὐκ ἐθέλουσι θύραι,
ὑψηλὸν δ' ὑπὲρ ἕρκος ὑπέρθορεν, εὗρε δὲ πάντως,
    εἰ καί τις φεύγων ἐν μυχῶι ἦι θαλάμου.
ταῦτα διδάξαι θυμὸς Ἀθηναίους με κελεύει,
    ὡς κακὰ πλεῖστα πόλει Δυσνομίη παρέχει·

Εὐνομίη δ' εὔκοσμα καὶ ἄρτια πάντ' ἀποφαίνει,
καὶ θαμὰ τοῖς ἀδίκοις ἀμφιτίθησι πέδας·
τραχέα λειαίνει, παύει κόρον, ὕβριν ἀμαυροῖ,
αὑαίνει δ' ἄτης ἄνθεα φυόμενα,
εὐθύνει δὲ δίκας σκολιάς, ὑπερήφανά τ' ἔργα
πραΰνει· παύει δ' ἔργα διχοστασίης,
παύει δ' ἀργαλέης ἔριδος χόλον, ἔστι δ' ὑπ' αὐτῆς
πάντα κατ' ἀνθρώπους ἄρτια καὶ πινυτά.

Our state will never perish through the dispensation of Zeus or the intentions of the blessed immortal gods; for such a stout-hearted guardian, Pallas Athena, born of a mighty father, holds her hand over it. But it is the citizens themselves who by their act of foolishness and subservience to money are willing to destroy a great city, and the mind of the people's leaders is unjust; they are certain to suffer much pain as a result of their great arrogance. For they do not know how to restrain excess or to conduct in an orderly and peaceful manner the festivities of the banquet that are at hand… they grow wealthy, yielding to unjust deeds… sparing neither sacred nor private property, they steal with rapaciousness, one from one source, one from another, and they have no regard for the august foundations of Justice, who bears silent witness to the present and the past and who in time assuredly comes to exact retribution. This is now coming upon the whole city as an inescapable wound and the city has quickly approached wretched slavery, which arouses civil strife and slumbering war, the loss for many of their lovely youth. For at the hand of its enemies the much-loved city is being swiftly worn down amid conspiracies dear to the unjust. These are the evils that are rife among the people, and many of the poor are going to a foreign land, sold and bound in shameful fetters… And so the public evil comes home to each man and the courtyard gates no longer have the will to hold it back, but it leaps over the high barrier and assuredly finds him out, even if he takes refuge in an innermost corner of his room. This is what my heart bids me to teach the Athenians, that Lawlessness brings the city countless ills, but Lawfulness reveals all that is orderly and fitting, and often places fetters round the unjust. She makes the rough smooth, puts a stop to excess, dries up the blooming flowers of ruin, straightens out crooked judgements, tames deeds of pride, and puts an end to acts of sedition and to the anger of grievous strife. Under her all things among men are fitting and rational.

Fragment 11

εἰ δὲ πεπόνθατε λυγρὰ δι' ὑμετέρην κακότητα,
μὴ θεοῖσιν τούτων μοῖραν ἐπαμφέρετε·
αὐτοὶ γὰρ τούτους ηὐξήσατε ῥύματα δόντες,
καὶ διὰ ταῦτα κακὴν ἔσχετε δουλοσύνην.
ὑμέων δ' εἷς μὲν ἕκαστος ἀλώπεκος ἴχνεσι βαίνει,
σύμπασιν δ' ὑμῖν χαῦνος ἔνεστι νόος·

ἐς γὰρ γλῶσσαν ὁρᾶτε καὶ εἰς ἔπη αἱμύλου ἀνδρός,
εἰς ἔργον δ' οὐδὲν γιγνόμενον βλέπετε.

If you have suffered grief because of your wrong action, do not lay the blame for this on the gods. You yourselves increased the power of these men by providing a bodyguard and that is why you have foul slavery. Each one of you follows the fox's tracks, and collectively you are empty-headed. You look to the tongue and words of a crafty man, but not to what he does.

Fragment 36

ἐγὼ δὲ τῶν μὲν οὕνεκα ξυνήγαγον
δῆμον, τί τούτων πρὶν τυχεῖν ἐπαυσάμην;
συμμαρτυροίη ταῦτ' ἂν ἐν δίκηι Χρόνου
μήτηρ μεγίστη δαιμόνων Ὀλυμπίων
ἄριστα, Γῆ μέλαινα, τῆς ἐγώ ποτε
ὅρους ἀνεῖλον πολλαχῆι πεπηγότας,
πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη.
πολλοὺς δ' Ἀθήνας πατρίδ' ἐς θεόκτιτον
ἀνήγαγον πραθέντας, ἄλλον ἐκδίκως,
ἄλλον δικαίως, τοὺς δ' ἀναγκαίης ὑπὸ
χρειοῦς φυγόντας, γλῶσσαν οὐκέτ' Ἀττικὴν
ἱέντας, ὡς δὴ πολλαχῆι πλανωμένους·
τοὺς δ' ἐνθάδ' αὐτοῦ δουλίην ἀεικέα
ἔχοντας, ἤθη δεσποτέων τρομεομένους,
ἐλευθέρους ἔθηκα. ταῦτα μὲν κράτει
ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας
ἔρεξα, καὶ διῆλθον ὡς ὑπεσχόμην·
θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
ἔγραψα. κέντρον δ' ἄλλος ὡς ἐγὼ λαβών,
κακοφραδής τε καὶ φιλοκτήμων ἀνήρ,
οὐκ ἂν κατέσχε δῆμον· εἰ γὰρ ἤθελον
ἃ τοῖς ἐναντίοισιν ἥνδανεν τότε,
αὖτις δ' ἃ τοῖσιν οὕτεροι φρασαίατο,
πολλῶν ἂν ἀνδρῶν ἥδ' ἐχηρώθη πόλις.
τῶν οὕνεκ' ἀλκὴν πάντοθεν ποιεόμενος
ὡς ἐν κυσὶν πολλῆισιν ἐστράφην λύκος.

Before achieving what of the goals for which I brought the people together did I stop? In the verdict of time I will have as my best witness the mighty mother of the Olympian gods, dark Earth, whose boundary markers fixed in many places I once removed; enslaved before, now she is free. And I brought back to Athens, to their homeland founded by the gods, many who had been sold, one legally, another not, and those who had fled under necessity's constraint, no longer speaking the Attic tongue, as wanderers far and wide are inclined to do. And those who suffered shameful slavery right here, trembling before the whims of their

masters, I set free. These things I did by the exercise of my power, blending together force and justice, and I persevered to the end as I promised. I wrote laws for the lower and upper classes alike, providing a straight legal process for each person. If another had taken up the goad as I did, a man who gave bad counsel and was greedy, he would not have restrained the masses. For if I had been willing to do what then was pleasing to their opponents and in turn whatever the others [i.e., the masses] planned for them, this city would have been bereft of men. For that reason I set up a defence on every side and turned like a wolf among a pack of dogs.

Fragment 37

δήμωι μὲν εἰ χρὴ διαφάδην ὀνειδίσαι,
ἃ̣ νῦν ἔχουσιν οὔποτ' ὀφθ̣α̣λ̣μοῖσιν ἂν
εὕδοντες εἶδον ...
ὅσοι δὲ μείζους καὶ βίην ἀμείνονες,
αἰνοῖεν ἄν με καὶ φίλον ποιοίατο.
....
οὐκ ἂν κατέσχε δῆμον, οὐδ' ἐπαύσατο
πρὶν ἀνταράξας πῖαρ ἐξεῖλεν γάλα·
ἐγὼ δὲ τούτων ὥσπερ ἐν μεταιχμίωι
ὅρος κατέστην.

If I must rebuke the masses openly, their eyes would never have seen in their dreams what they now have… And those who are greater and stronger would praise me and treat me as their friend… [For if someone else had obtained this office] he would not have restrained the masses nor would he have stopped until he had stirred up the milk and got rid of the cream. But I stood in no-man's-land between them like a boundary marker.

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